



U.S. DEPARTMENT OF STATE

CHIEF FOIA OFFICER REPORT

MARCH 2023

Summary

The Department of State (the “Department”) 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 before any information can be released to the requester. These reviews are required to determine whether the release of the information could harm U.S. national security, 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 the 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 within the Directorate of Passport Services and the Office of Inspector General, are authorized to accept FOIA requests submitted to the Department.

During this reporting period (March 2022 to March 2023), the Department continued its efforts to build its future FOIA program to decrease the FOIA backlog and keep up with incoming requests.

In 2022, the Department's FOIA program underwent significant transitions involving staffing changes, new training efforts, updated workflows, considerations of new technology, and a relocation of case processing operations to Charleston, SC. Until early 2022, out of a paramount concern for the safety of its employees, the Department remained in a maximum telework posture and limited on-site presence to mission critical functions only. This posture severely limited the number of FOIA staff that were available to work on-site to process information stored on secured networks. However, on February 28, 2022, the Department expanded its onsite presence from "mission critical only" to "mission critical plus onsite-dependent job functions." As a result of this change in posture, the Department's FOIA employees returned to their on-site office locations, which allowed them to resume processing of cases containing information located on the classified network. On April 25, 2022, the Department transitioned to an "All Functions" hybrid work and telework posture, meaning that, depending on their mission and function, all Department employees could work onsite as well as remotely.

In 2022, the Department made progress hiring key FOIA leadership positions. Two division chief positions were filled: the Requester Liaison Division Chief, who serves as the Department's FOIA Public Liaison and oversees the Requester Service Center and functions related to the receipt and initial processing of FOIA requests; and the Statutory Compliance and Research Division Chief, who oversees FOIA case processing. Two branch chiefs were also filled: the Requester Communication Branch Chief, who directly oversees receipt and initial processing of incoming FOIA requests, and the Litigation and Appeals Branch Chief, who oversees FOIA litigation and appeal cases. This new leadership team worked together to implement changes to the FOIA program throughout the year.

The Department also began several new training initiatives during the year. The Department recognized the need for more FOIA training for its full-time FOIA professionals and implemented a FOIA Bootcamp starting in February 2022. This training serves as a primer for Department FOIA employees. It included an overview of the FOIA, the history and structure of the FOIA, FOIA exemptions and exclusions, practice exercises, and a list of resources to further employees' professional growth and development. Sessions were presented by multiple subject matter experts from inside the FOIA Office and from another U.S. Government agency. The program was also adapted and used to brief staff in other Department bureaus and offices, for whom FOIA is not a full-time responsibility. The FOIA Office's FOIA professionals also received weekly instruction by a FOIA subject matter expert on the FOIA statute, exemptions, new developments in case law, and practical exercises involving the review and redaction of documents. Finally, the Department partnered with the Federal Bureau of Investigation (FBI) to pilot an exchange program where a Department FOIA employee went to the FBI for 4 weeks and an FBI FOIA employee came to the Department so that each could learn about the other's FOIA operations. The pilot was a success, resulting in new perspectives for the participants in the exchange and the overall programs, both of which received feedback on how to improve their FOIA operations. The program will be repeated in March 2023.

In 2022, as part of the effort to reduce the FOIA backlog and reduce FOIA case processing time, the Department made several changes to its case processing workflows. For example, beginning in June, the Requester Communications Branch, which receives incoming FOIA requests, assumed responsibility for sending out initial search taskings to those Department components reasonably likely to have responsive records, thereby reducing the time from receipt of a FOIA request to the initiation of search from weeks to days.

The Department continued to use technology to communicate with requesters and support its FOIA professionals working remotely. The Department continued the "release to one, release to all" approach to posting documents to its FOIA Virtual Reading Room. In FY 2022, the

Department posted over 6,200 records online to the Virtual Reading Room that were released to requesters.

In March 2022, the Department announced that it was moving the majority of its FOIA case processing operations from Washington, DC to Charleston, SC, beginning in the summer of 2022 with all affected personnel to be in Charleston by the end of 2024. This decision was based on available space at the Department and estimated savings of millions of dollars in operating costs over the next several years by moving the program outside of the Washington, DC, area.

The Department's FOIA litigation demands continued to be considerable, yet the Department ended the year with fewer litigation cases than it had at the start of FY 2022. The Department was named as a defendant in 56 new FOIA litigation cases in FY 2022, up slightly from the 54 new cases involving the Department in FY 2021 and significantly down from the 84 new cases involving the Department in FY 2020. The Department ended FY 2022 with approximately 197 total FOIA litigation cases involving 369 unique FOIA requests, continuing its streak of significant FOIA litigation demands for another year.

In sum, the Department's FOIA program continues its efforts to improve its ability to process FOIA requests and remains committed to improving the timeliness of its responses to the public, using technology to process requests, and posting documents released under the FOIA to the public FOIA website. The Department also continues to use its online presence to promote transparency and provide information to the public. This year's report is being written in Calibri 15-point font, which is 508 compliant and consistent with the Department's transition to a more accessible font for individuals with disabilities who use Optical Character Recognition technology and screen readers, in support of Diversity, Equity, Inclusion, and Accessibility (DEIA). 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

Alaina B. Teplitz
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. The guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

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. See 5 U.S.C. § 552(j)(1) (2018). 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.

Alaina B. Teplitz
Assistant Secretary of Administration
Bureau of Administration
U.S. Department of State

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

One of the primary goals of Bureau of Administration is to manage the Department's information as a strategic asset to improve knowledge management, data-driven decision making, and transparency by adapting to evolving customer needs through the use of new technology and modernized ways of conducting business. To achieve this goal, the Department is exploring the use of new technology, such as machine learning and artificial intelligence, to provide more timely responses to FOIA and other information requests.

Each year, all agency personnel with access to the Department's unclassified network are required to take mandatory records management training, which includes a module on the FOIA. Failure to take and pass this training results in a denial of access to the network. The goal of the course is to train all personnel to identify federal records, manage records, understand the records management lifecycle, and recognize that FOIA is every employee's responsibility.

B. Presumption of Openness

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

Yes, the Department provides language in its FOIA response letters confirming that it has considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a

Glomar response. With respect to these responses, please answer the below questions:

- a. In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a *Glomar* response?

No.

- b. If yes, please provide:

- i. the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible);
- ii. the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

- c. If your agency does not track the use of *Glomar* responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved.

The Department could track the use of *Glomar* responses in a variety of ways including through enhancements to the technology used for FOIA case processing or by adding notes to cases where *Glomar* responses are used. Any approach would require the dedication of additional resources, such as funding and employee time.

6. Optional – 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 continues its “release to one, release to all” policy of monthly posting of released documents to its FOIA Virtual Reading Room.

SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The Attorney General’s FOIA Guidelines provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” The Attorney General also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

The Department has mandatory records management training that all users of the Department’s unclassified network must complete. This online records training has a FOIA module that explains employee responsibilities under the FOIA. In FY 2022, over 120,528 users of the Department’s unclassified network completed training, a 16% increase from FY 2021. Failure to complete this training results in loss of access to the unclassified network. An updated version of this training will be launched in 2023.

Additionally, the Department offered a variety of different training sessions in the form of virtual and conference call briefings to hundreds of Department employees processing FOIA cases. Information Access training included sessions regarding the FOIA, the Privacy Act, records management, National Security Information, and the organizational structure of the Department.

The Department also implemented a FOIA Bootcamp starting in February 2022. This training served as a primer for Department FOIA employees and included an overview of the FOIA, the history and structure of the FOIA, FOIA exemptions and exclusions, practice exercises, and a list of resources to further employees' professional growth and development. Sessions were presented by multiple subject matter experts from inside the FOIA Office and from another U.S. Government agency. The program was also modified and used to train staff in other Department bureaus and offices, for whom FOIA is not a full-time responsibility.

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

Yes

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

The Department's FOIA Program Manager, along with other FOIA subject matter experts, conducted briefings for the FOIA Office analysts and reviewers and other Department employees working on the 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 the 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 processing priorities, including expedited requests. In FY 2022, over 120,528 Department employees also completed a mandatory online records training that had a module explaining employee responsibilities under the FOIA.

In addition to the FOIA Bootcamp described above, the Department's FOIA professionals also received weekly instruction by a FOIA subject matter expert on the FOIA statute, exemptions, new developments in case law, and practical exercises involving the review and redaction of documents.

The Department continued its series of briefings to FOIA professionals on the organizational structure of the Department, including the mission of each bureau and office and overviews of the records they create, an overview of working at embassies and consulates, and an overview of interagency policy making. These briefings are meant to ensure that the Department is conducting high-quality searches for records sought through the FOIA and other records requests.

The FOIA Office leadership also continued to encourage and approve funding for FOIA staff to attend briefings and trainings provided by the American Society of Access Professionals ("ASAP"), the Department of Justice's ("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. The FOIA Office also held sessions for employees to share information with their colleagues who could not attend about what they learned at the events.

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

Over 90% of the Department's FOIA professionals attended substantive FOIA training during this reporting period.

5. 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

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations and expectations during the FOIA process?

Yes. All agency personnel with access to the Department’s unclassified network are required to take mandatory records management training each calendar year. Failure to take and pass this training results in a denial of access to the network. In FY 2022, over 120,528 Department personnel competed this training. The goal of the course is to train all personnel to identify federal records, manage records, and understand the records management lifecycle. Additionally, the course has a module that introduces the FOIA and explains employee responsibilities under the FOIA.

B. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and if applicable, any specific examples of how this dialogue has led to improvements in your agency’s FOIA administration.

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

The Deputy Assistant Secretary ("DAS") for Global Information Services ("A/GIS") continued to serve as the co-chair of the government-wide Chief FOIA Officer Technology Committee (<https://www.foia.gov/chief-foia-officers-council/committee/technology-committee>). In this role, the A/GIS DAS participated in public Chief FOIA Officer meetings and the annual ASAP conference, receiving feedback about FOIA from other members of the FOIA community and public that was shared with the Department's FOIA program.

The Chief of the Statutory and Research Compliance Division chairs the Chief FOIA Officer Council's Committee on Cross-Agency Collaboration and Innovation (COCACI)/Resources subcommittee, which identifies opportunities for standardization of a variety of resources that should be made available to FOIA offices to increase efficiency and ease of use across government agencies, especially smaller FOIA Requester Service Centers.

8. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.

Yes, the Department proactively contacts requesters to clarify the scope of a request so that it can be perfected. The Department has also established a process for identifying requests where the responsive records will potentially be voluminous—for example, requests that use expansive relational terms, such as those that seek all records that "relate to" or "refer to" or "pertain to" or "concern" or "regarding" a particular subject. Intake analysts will reach out to the

requester by email or phone to clarify and/or narrow the scope of the request, including by discussing the specific language of the request.

9. 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 Fiscal Year 2022 (please provide a total number or an estimate of the number).

945

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

Yes, the IPS FOIA office has hired and continues to hire additional FOIA personnel to address the current and anticipated FOIA demands, primarily filling vacancies for positions located in Charleston, SC. This transition from Washington, DC to Charleston resulted in a significant restructuring of the IPS FOIA program, as the majority of the affected FOIA employees chose not to move to Charleston and either transferred to other positions in the Department's records and information access programs (including to FOIA litigation) or left the Department.

In July 2022, the Department began actively recruiting to fill existing Government Information Specialist positions from the GS-7 to GS-14 levels for Charleston. To recruit in this new market, the Department reached out to millions of potential hires by posting the USAJOBS announcements for these vacancies on Handshake, an online recruitment tool that can "reach the largest, most diverse, and active

early talent network in the US” with over 10 million enrolled college students and graduates including 1,200 national colleges and universities. The Department also began actions to recruit and hire up to 16 student-trainees and additional contract support. By March 2023, the Department had successfully onboarded five new employees, with others in the hiring and clearance process.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

The Department uses weekly case management reports to track the number of requests received and processed. These numbers can be refined by Department component, queue, and case processing stage to better identify bottlenecks and where the office should direct its resources to ensure maximum case closure rates. The FOIA Office also prepares a weekly report that tracks the number of incoming FOIA requests received and closed to date, the number of appeals received and closed during the previous week, and the number of litigation cases received and in process.

12. Optional – If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

The Department conducted agency-wide outreach on several occasions between March 2022 and March 2023. The Department issued agency-wide 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 also continues to require completion of online

mandatory records management training for all Department employees, including a module on FOIA. As previously noted, over 120,528 Department employees have completed this course.

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

The FOIA Office 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 are also briefed on their records and classification responsibilities as well as on the FOIA.

The Department continued its 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 FY 2022, the Department posted 6,233 additional records to its public FOIA website, making a total of 242,566 records available through the Department's transparency programs via the public website at the end of FY 2022.

SECTION III: PROACTIVE DISCLOSURES

The Attorney General's FOIA Guidelines emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and

systematically in advance of any public request” and reiterate that agencies should post records “in the most useful, searchable, and open formats possible.”

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

The Department continues its “release to one, release to all” approach to posting FOIA documents online, which it did throughout the reporting period. Except for first-person requests (i.e., those involving privacy or personally identifiable information), the Department endeavors to post on its FOIA website (<https://foia.state.gov>) those documents released to the public in the previous month.

In 2022, the Department started to explore additional records that could be considered for proactive disclosures in 2023, including through the use of existing or future technology.

2. Provide examples of material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

These proactive releases include the posting of records released in response to both FOIA and FOIA litigation cases. 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. This approach allows the public to access thousands of documents that would otherwise only be available to individual requesters. As noted above, 6,233 records were posted to the public FOIA website in FY 2022, for a total of 242,566 records posted to the public FOIA website as of the end of FY 2022.

The Department regularly publishes reports and other information on its public website at www.state.gov (e.g., the Department's annual Country Reports on Human Rights Practices and the annual Trafficking in Persons Report). The Office of the Historian maintains a public website at history.state.gov, which provides in-depth information to the public on the history of U.S. foreign policy. In addition to a full text archive of the Foreign Relations series, the website includes valuable encyclopedic content on the history of U.S. relations with states around the world and a database of the Department's principal officers and chiefs of mission.

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. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

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 together to make it easier for the public to find records that we have posted online.

We continue to post documents released under the FOIA to the FOIA Virtual Reading Room (VRR) (<https://foia.state.gov/Search/Search.aspx>). The records released in most FOIA litigation cases, except in certain instances such as Privacy Act and first-person requests, are also being posted to the VRR, making them available to both the plaintiffs in those cases and the public. Provided is a link that includes documents proactively disclosed on the website:
<https://foia.state.gov/Search/Collections.aspx>.

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

No.

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

- Best practices used to improve proactive disclosures
- Any challenges your agency faces in this area

The Department is using its available resources to post online as many documents as possible each month. Beginning in calendar year 2017, nearly all documents released in FOIA cases are posted on the FOIA website, except for documents responsive to certain Privacy Act and first-person requests as well as in a few other instances. The preponderance of information released through the Department's FOIA process is now posted online within two months of the release of that information to the public. This approach exceeds the requirement to post records that have been or are likely to be requested multiple times. It is part of a strategy to use the website to promote transparency and to avoid duplicative requests in the future.

SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's FOIA Guidelines emphasize the importance of making FOIA websites easily navigable and complying with the FOIA.gov interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes.

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.

During the reporting period, the Department developed plans to launch updates to its public FOIA website including the expected launch of the Public Access Link feature in FOIAXpress. Additional plans to modernize the Department's public FOIA website and the Virtual Reading Room were also begun.

The Department continues to enhance its current technology to respond to FOIA demands more efficiently, including the management of the Department's cloud-based eRecords archive and FOIAXpress. Each digital record in the eRecords repository is metadata enriched. These metadata fields serve as the building blocks that allow records to be more easily discoverable by searchers. The Department continues to explore products to leverage Artificial Intelligence to improve the electronic management of records in the eRecords archive. The Department continues exploring the use of technology assisted review to filter content from search results, thereby reducing the amount of non-responsive material that must be reviewed.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

Yes, the Department's eRecords Archive leverages machine learning to tag emails as "personal" or as "news clippings" when searches are being conducted for responsive records. Being able to eliminate these types of materials, as appropriate, during the initial search reduces the time and effort needed locate responsive agency records and reduces agency response time.

The Department also had a successful pilot from October 2022 through January 2023 using machine learning and technology assisted review in its Declassification Program, separate from FOIA. This pilot, conducted by A/GIS/IPS in partnership with the Department's Bureau of Information Resource Management (IRM) and Center for Analytics and led by the Department's Chief Data Officer, trained a model to conduct declassification reviews of electronic cable records (i.e., communications between Washington and overseas posts such as embassies and consulates) by using past declassification decisions from human review from 1995-1997. The model was trained on human review decisions to identify cable features that are typically indicative of information that is released and that which is exempt from release. The results were reviews that were 97%-99% in agreement with the human reviews. In 2023, the Department plans to leverage this model to complete the 25-year review of cables from 1998. The manual review process takes an entire year; the machine learning review takes 20-30 minutes to assign a declassification decision to every cable. In the 2023 review, over 72,000 cables (63% of the annual total) were assigned confident decisions by the model, requiring only minimal human quality control. The remaining cables will be decided by human review. This process also includes several quality-control steps and reviews of what the technical model says can be declassified and exempt, as well as additional controls to look for highly classified or sensitive information. Leveraging this model will include both technology and human review moving forward, not just one or the other.

The machine learning work for the Department's Declassification Program has been extended for at least the rest of 2023 to explore

additional records that could undergo review in addition to Department cables. Additionally, A/GIS/IPS, IRM, and the Center for Analytics are developing a new pilot for FOIA to explore machine learning searches of centralized records and potential initial responses for newly received requests for information that has already been processed in the past by the Department to improve FOIA response times and customer experience.

4. 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.

5. Did all four of your agency's quarterly reports for Fiscal Year 2022 appear on your agency's website and on FOIA.gov?

Yes.

6. 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 2023.

N/A

7. 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 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 Annual FOIA Report.

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

8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Yes. The Department of State requested and received an extension for its integration with the National FOIA Portal on FOIA.gov. Integration with the FOIA National Portal is planned for no later than May 26, 2023.

9. Optional – 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 is interoperable with FOIAXpress. FOIAXpress allows one platform to complete nearly all aspects of the FOIA process electronically, including searching for records previously provided in response to FOIA requests contained in its document storage component. The Department continues to explore products to leverage Artificial Intelligence to improve the electronic management of records in the eRecords archive. The Department also began exploring the use of technology assisted review to filter content from search results, thereby reducing the amount of non-responsive material that must be reviewed.

SECTION V: STEPS TAKEN TO REMOVE BARRIERS TO ACCESS, IMPROVE TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOGS

The Attorney General’s FOIA Guidelines instruct agencies “to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs.” Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?

The Department receives first-party requests on various subjects. Most requests involve access to personnel-related records, including medical files, which can be obtained without the need to submit a FOIA request.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

B. Timeliness

3. For Fiscal Year 2022, 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 2022 Annual FOIA Report.

8

4. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2022 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A

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

Yes.

6. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2022?

No.

7. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

Yes.

8. Please provide the percentage of requests processed by your agency in Fiscal Year 2022 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

12.71

9. 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

C. Backlogs

BACKLOGGED REQUESTS

10. If your agency had a backlog of requests at the close of Fiscal Year 2022, according to Annual FOIA Report Section XII.D.2., did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021?

No.

11. If not, according to Annual FOIA Report Section XII.D.1., did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?

No.

12. If your agency's request backlog increased during Fiscal Year 2022, 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
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible

The Department received approximately 23% more FOIA requests in FY 2022 than in FY 2021. This increase in the number of incoming requests, coupled with a decrease in FOIA staffing numbers, contributed to the increase in the FOIA backlog. The reduction in FOIA staff was primarily a result of the Department's decision to transfer the majority of the FOIA case processing operations to Charleston, SC. Most of the existing FOIA staff either transferred to other positions within IPS or left the Department. The Department has been actively filling and recruiting for its FOIA vacancies and has also hired additional FOIA contract support.

The FOIA program also faced significant challenges and constraints because of the COVID-19 pandemic. Out of concern for the safety of

its employees, for the first two quarters of FY 2022, the Department remained in a maximum telework posture and limited on-site presence to mission critical functions only. This posture severely limited the number of FOIA staff that were available to work on-site to process information stored on secured networks and directly contributed to an increase in the FOIA backlog.

13. 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 2022. Please use the following calculation based on data from you Annual FOIA Report: (backlogged requests from Section XII.A.) divided by (requests received from Section V.A.) x 100. If your agency has no request backlog, please answer with "N/A."

135%

BACKLOGGED APPEALS

14. If your agency had a backlog of appeals at the close of Fiscal Year 2022, according to Section XII.E.2. of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021?

No.

15. If not, according to section XII.E.1. of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021?

Yes.

16. If your agency's appeal backlog increased during Fiscal Year 2022, 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)
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible

In FY 2022, the Department processed 14% more FOIA appeals than in FY 2021. Despite this increase in appeals processed, the Department’s appeals backlog also increased in FY 2022, due to the increase in the number of appeals received and delays in receiving responses to consultations sent to other federal agencies.

17. 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 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A.) divided by (appeals received from Section VI.A.) x 100. If your agency did not receive any appeals in Fiscal Year 2022 and/or has no appeal backlog, please answer with “N/A.”

92.36%

D. Backlog Reduction Plans

18. In the 2022 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2021 were 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 2022?

Yes. The Department has developed a multi-year plan that allows for compliance with its increasing FOIA litigation demands while making concurrent progress in reducing its FOIA backlog. The Department continues to follow its backlog reduction plan and update and revise its FOIA policies and procedures to improve its FOIA program. In FY 2022, the plan was reviewed to account for updated data for incoming requests and processing rates.

The Department's plan provides for distinct resources for both FOIA and FOIA litigation demands and sets an annual monthly closure rate target for FOIA requests with the goal of eliminating the backlog while keeping up with new, incoming FOIA requests. The Department has been given permission to fill key FOIA vacancies that will allow for dedicated resources in each program and will mitigate against the need to shift resources from FOIA to FOIA litigation cases.

The Department continues internal and external training of its full-time 306 series Government Information Specialists to process FOIA requests. The Department also hired new part-time retired annuitants and new full-time contract employees to process FOIA requests. The Department intends to hire additional Government Information Specialists and contract employees in FY 2022.

The Department intends to continue its practice of "release to one, release to all," in which records released in FOIA cases are posted to the public FOIA website. Among other benefits, that practice enables the Department to close cases based on previous releases where records have already been posted online.

19. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, please explain your agency's plan to reduce this backlog

during Fiscal Year 2022? In particular, please also detail how your agency developed and plans to execute your backlog reduction plans.

The Department will continue to implement the steps noted above, including updating its FOIA processes and using FOIAXpress.

E. Reducing the Age Requests, Appeals, and Consultations (RED)

TEN OLDEST REQUESTS

20. In Fiscal Year 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report?

No.

21. 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 2020 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

0

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

The Department continued to work on as many cases as possible remotely. Many of the Department's oldest cases either contain classified information or are processed using a classified network, to which the majority of FOIA employees had limited access for the first half of FY 2022.

TEN OLDEST APPEALS

23. In Fiscal Year 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5., of your Fiscal Year 2021 Annual FOIA Report?

No.

24. 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 VI.C.(5) of your Fiscal Year 2021 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

7

25. 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 continues to work on the oldest pending appeals and is taking steps to improve and streamline the appeals review process, including adding more personnel.

The Department's posture maximizing telework created challenges for completing the 10 oldest appeals and many of the other older appeals. Case processing capabilities were seriously constrained due to reduced reviewer resources, limited remote access to certain Department systems, and only a small fraction of the staff on-site at Department workstations for the first half of FY 2022. Additionally, most of the older appeals were pending consultation with other federal agencies who were faced with similar constraints regarding the ability of staff to be on-site to process classified material. The Department has begun implementation of a plan to permanently shift additional resources to focus on the appeals backlog.

TEN OLDEST CONSULTATIONS

26. In Fiscal Year 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report?

No.

27. 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 2021 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

4

ADDITIONAL INFORMATION REGARDING TEN OLDEST

28. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2023.

The Department’s FOIA program faced significant challenges and constraints due to the limited access to Department’s systems. For the first half of FY 2022, the Department remained in a maximum telework posture, and employee on-site presence was severely limited. The inability of the majority of FOIA staff to access classified information systems continued to be the primary obstacle in closing the oldest FOIA requests, including appeals. In addition, delays by other federal agencies in responding to consultations constrained the Department’s ability to close the oldest appeals. After the return to the workplace in March 2022, the Department implemented plans to close its oldest FOIA requests.

F. Additional Information about FOIA Processing

29. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency's overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.

The Department's FOIA litigation demands continued to be considerable, yet the Department ended the year with fewer litigation cases than it had at the start of FY 2022. The Department was named as a defendant in 56 new FOIA litigation cases in FY 2022, up slightly from the 54 new cases involving the Department in FY 2021 and significantly down from the 84 new cases involving the Department in FY 2020. The Department ended FY 2022 with approximately 197 total FOIA litigation cases involving 369 unique FOIA requests. Most litigation cases are filed against the Department for failure to respond within the statutory time limits. While FOIA requests in litigation comprise only about 1% of all FOIA requests at the Department, they demand a disproportionate share—approximately 90%—of the FOIA reviewer resources, which has contributed to the increase in the FOIA backlog.

30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your agency's FY22 raw data).

11,190