



Chief FOIA Officer Report

March 2024

U.S. DEPARTMENT *of* STATE

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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 searches of the Department’s many domestic offices and more than 270 diplomatic missions worldwide. In many of these cases, searches locate voluminous amounts of 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. However, the processing of most first-party requests may be tasked to a decentralized component of the Department for a direct reply to the requester.

During this reporting period (March 2023 to March 2024), the Department continued its efforts to build its FOIA program to decrease the FOIA backlog and keep up with incoming requests.

In 2023, the Department’s FOIA program continued to undergo changes, including increased staffing, new training efforts, updated workflows, amplified proactive disclosures, assessing the use of emerging technologies, and relocated case processing operations to Charleston, South Carolina (SC). In 2023, the Department filled multiple FOIA positions, including hiring a new senior-level Office Director, three GS-14 case processing branch chiefs, and nine new GS-7 to GS-13 FOIA staff. The Department also expanded its staff working on FOIA appeals and litigation, adding three new GS-14 branch chief positions, one having extensive experience in the Department processing FOIA requests for Consular Affairs records. This new leadership team worked together to implement changes to the FOIA and FOIA litigation programs throughout the year.

The Department recognized the need for more FOIA training for its full-time FOIA professionals and began several new training initiatives during the year. In March 2023, the Department initiated a 5-day training program for employees assigned to process FOIA litigation cases. Employees attended in person and were placed in small groups (less than 10) to allow for a more intimate, hands-on learning experience. The training covered the end-to-end processing of FOIA litigation cases to include how and why FOIA requesters litigate, receiving and understanding a Complaint (the term for the first court filing when the Department is sued), drafting the Answer to the Complaint, and understanding legal terms and the lifecycle of a litigation case. The course also included training on conducting searches for Department records, reviewing records and applying redactions, preparing productions, and drafting Vaughn indices and declarations. Additionally, employees processing FOIA litigation cases attended a refresher FOIA training over a period of 6 days in December 2023.

In May 2023, the FOIA Office implemented a comprehensive, in-person, 6-week training program for its new, full-time FOIA case processing staff. This training included sessions on the history and structure of the FOIA, the intake process, interpreting requests, conducting reasonable searches, working with Classified National Security Information (Executive Order 13526), applying FOIA exemptions and exclusions, processing consultations and referrals, FOIA/Privacy Act interface, appeals and litigation considerations, and records management. The training also included table-top exercises, instruction on the use of FOIAXpress, and available resources to further the employees' professional growth and development. Sessions were presented by multiple subject matter experts within the FOIA Office. The training was repeated in October as a 5-week program for new FOIA employees, which incorporated feedback received from the staff and trainers who participated in the first session.

The Department again partnered with the Federal Bureau of Investigation (FBI) in an exchange program where a Department FOIA employee went to the FBI for 2 weeks and three FBI FOIA employees came to the Department so that each could learn about the other's FOIA operations. The program 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 is scheduled to occur again in 2024.

In 2023, the Department made several changes to its case processing workflows to increase its case closure rate. The Department increased communication with requesters including on the scope their requests, proactively released records to reduce the number of FOIA requests received, realigned FOIA staff into teams, prioritized the closure of the oldest requests, and explored the use of new technology (including AI and machine learning) to identify and process similar requests, to manage workflow, and process documents.

The Department continued the "release to one, release to all" approach to posting documents to its FOIA Virtual Reading Room. In FY 2023, the Department posted an additional 4,113 records to its Virtual Reading Room, making a total of 245,936 records available to the public through the Department's transparency programs at the end of FY 2023.

In September 2023, the Department began releasing declassified cables from 1997 to its Virtual Reading Room that had been reviewed with the assistance of a machine learning technology. The Department will continue to post declassified cables online in advance of any public request as part of its monthly “release to one, release to all” FOIA posting.

The Department’s FOIA litigation demands continued to be considerable. In FY 2023 the Department was named as a defendant in 56 new FOIA litigation cases, the same as in FY 2022. In FY 2023 the Department closed approximately 60 litigation cases consisting of 105 FOIA requests, ending the fiscal year with approximately 200 total FOIA litigation cases involving 373 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.

In summary, the Department’s FOIA program, under new leadership, is pursuing innovative ways to address the increasing quantity of requests involving larger volumes of electronic and other records. The Department remains dedicated to improving its ability to process FOIA requests, enhancing the timeliness of its responses to the public, and examining different uses of technology for benefits throughout the entire FOIA process. Additionally, the Department continues to promote transparency and provide information to the public through its online presence and by posting documents released under the FOIA to the public FOIA website. Feedback is welcome and can be provided at [FOIA Feedback Page](#).

Name and Title of your Agency's Chief FOIA Officer

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

Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Attorney General's 2022 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 Officer.

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Assistant Secretary
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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 continues to explore the use of new technology, such as machine learning and artificial intelligence, to provide more timely responses to FOIA and other information requests and new ways to proactively disclose information to the public to increase overall agency transparency.

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 interested protected by a FOIA exemption. This is commonly referred to as a Glomar response. If your agency tracks Glomar responses, please provide:

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

N/A

6. If your agency does not track the use of Glomar responses, are you planning to track this information in the future?

No.

7. 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.

In 2023, the Department continued its "release to one, release to all" policy of posting released documents to its FOIA Virtual Reading Room. In September 2023, the Department began releasing declassified cables from 1997 to its Virtual Reading Room that had been reviewed with the assistance of a machine learning technology. The Department will continue to post declassified cables online in advance of any public request as part of its monthly "release to one, release to all" FOIA posting.

Section II: Ensuring Fair and Effective FOIA Administration

The Attorney General's 2022 [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 the purpose of the FOIA and each employee's responsibilities under the FOIA. In FY 2023, 127,854 users on the Department's unclassified network completed training, a 6% increase from FY 2022. Failure to complete this training results in loss of access to the unclassified network. In 2023, this training was updated to include expanded content on the FOIA, including employee obligations for promptly responding to taskers and conducting searches for responsive records.

In March 2023, the Department initiated a 5-day training program for employees assigned to process FOIA litigation cases. Employees attended in person and were placed in small groups (less than 10) to allow for a more intimate, hands-on learning experience. The training covered the cradle-to-grave processing of FOIA litigation cases to include how and why FOIA requesters litigate, receiving and understanding a Complaint (the term for the first court filing when the Department is sued), drafting the Answer to the Complaint, and understanding legal terms and the lifecycle of a litigation case. The course also included training on conducting searches for Department records, reviewing records, preparing productions, and drafting Vaughn indices and declarations. Additionally, all employees processing FOIA litigation cases attended a refresher FOIA training over a period of 6 days in December 2023.

In May 2023, the FOIA Office implemented a comprehensive, in-person, 6-week training program for its new, full-time new FOIA case processing staff. This training included sessions on the history and structure of the FOIA, the intake process, interpreting requests, conducting reasonable searches, working with Classified National Security Information (E.O. 13526), applying FOIA exemptions and exclusions, processing consultations and referrals, FOIA/Privacy Act interface, appeals and litigation considerations, and records management. The training also included table-top exercises,

instruction on the use of FOIAXpress, and available resources to further the employees' professional growth and development. Sessions were presented by multiple subject matter experts within the FOIA Office. The training was repeated in October as a 5-week program for new FOIA employees, which incorporated feedback received from the staff and trainers who participated in the first session.

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.

In addition to the training described above, the Department's FOIA Public Liaison, along with other FOIA subject matter experts, conducted briefings for Department employees outside of the central FOIA office 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 the processing priorities, including expedited requests.

The FOIA Public Liaison also participated in the annual FOIA training provided by the Executive Secretariat Staff to officials in Offices of the Secretary, Deputy Secretaries, Counselor, Under Secretaries, and other bureaus and offices that report to the Secretary of State. The training provided information on the history and purpose of the FOIA, procedural requirements, conducting reasonable searches, FOIA exemptions, and release responsive documents to the public.

The FOIA Public Liaison also held bi-monthly meetings with FOIA professionals in the Department's decentralized FOIA offices. These meetings covered a variety of topics related to FOIA processing, including intake, tasking, conducting reasonable searches, review, backlog reduction efforts, FOIAXpress, and annual reporting requirements.

In FY 2023, 127,854 Department employees also completed a mandatory online records training that had a module explaining each employee's responsibilities under the FOIA.

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 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. In December 2023, FOIA staff also attended the Intelligence Community Equities Training Day Conference. The FOIA Office also held sessions for employees to share information with their colleagues who could not attend about what they learned at the off-site 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?

All agency personnel with access to the Department’s unclassified network are required to take mandatory records management training each calendar year. This online records training has a FOIA module that explains the purpose of the FOIA and each employee’s responsibilities under the FOIA. Failure to take and pass this training results in a denial of access to the network. In FY 2023, 127,854 Department personnel completed this training.

Senior Department leadership are regularly updated on the Department’s FOIA resources, FOIA case processing statistics, and backlog reduction efforts. These updates include a weekly written report to the Deputy Assistant Secretary overseeing the FOIA Office and quarterly, in-person briefings on FOIA staffing, current FOIA statistics, backlog reduction, IT efforts, and future planning.

The Department's Deputy Secretary for Management and Resources was also briefed on the Department's FY 2023 FOIA performance and program efforts underway, including FOIA vacancies, new training efforts, restructuring of the FOIA office, updated workflows, and the use of new technology.

B. Outreach

7. 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 records may be reasonably described but 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. Sample language may also be provided to the requester to help them better describe the records they are seeking.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? 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 attended American Society of Access Professionals 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](#). In this role, the A/GIS DAS participated in public Chief FOIA Officer meetings and the annual conference for the American Society of Access Professionals (ASAP), 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 in the Office of Information Programs and Services (A/GIS/IPS) 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.

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 2023 (please provide a total number or an estimate of the number for the agency overall).

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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, as part of the modernization initiative for the Bureau of Administration, where the Department's FOIA program is located, the FOIA Office evaluated its current organization and proposed changes to its structure and personnel resources to be more agile, cost effective, and customer-oriented than we are today. The resulting proposal from this evaluation is currently undergoing review by Department stakeholders.

Additionally, the 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. The transition 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 2023, the Department continued to actively recruit and fill existing Government Information Specialist positions from the GS-7 to GS-14 levels for Charleston, SC. By March 2024, the Department had successfully onboarded 12 new employees, with others in the hiring and clearance process. The Department also continued actions to recruit and hire up to 16 student-trainees and additional contract support. The Department also expanded its staff working on FOIA appeals and litigation. Two GS-14 case processing branch chiefs were transferred to work on FOIA litigation and one new GS-14 branch chief was hired, with the latter having extensive experience in the Department processing FOIA requests for Consular Affairs records.

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, closed, 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 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 Public Liaison. The FOIA Office also maintains an internal website where Department employees can view and download guidance on the FOIA.

The FOIA Office briefs incoming officials on their records, classification, and FOIA responsibilities. The FOIA Office also briefs outgoing officials and reminds 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.

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 2023, the Department posted an additional 4,113 records to its Virtual Reading Room, making a total of 245,936 records available to the public through the Department's transparency programs at the end of FY 2023.

Section III: Proactive Disclosures

The Attorney General’s 2022 [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 continued 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](#) those documents released to the public in the previous month.

In September 2023, the Department began releasing declassified cables from 1997 to its Virtual Reading Room that had been reviewed with the assistance of a machine learning technology. The Department will continue to readily and systematically post declassified cables online in advance of any public request as part of its monthly “release to one, release to all” FOIA posting. Cables released to date can be accessed at the [Virtual Reading Room Documents Search Results page](#).

2. How long after identifying a record for proactive disclosure does it take your agency to post it?

It usually takes the Department from 1 to 3 months to post documents released in response to FOIA requests as part of its “release to one, release to all” policy.

3. Does your agency post logs of its FOIA requests?

- If so, what information is contained in the logs?
- Are they posted in CSV format? If not, what format are they posted in?

Yes, the Department posts logs of its FOIA requests. The logs contain the FOIA case number, name of requester, name of requester’s organization, description of the request, date the request was received, and the date the request was closed. The FOIA logs are posted as PDFs.

4. Provide examples of any 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.

As described above, the Department makes monthly postings of records released in response to both FOIA and FOIA litigation cases as part of its “release to one, release to all policy.” These documents may be found by searching the [Department’s Virtual Reading Room](#). This approach allows the public to access thousands of documents that would otherwise only be available to individual requesters. In September 2023, the Department, in conjunction with its monthly FOIA postings, began releasing declassified cables from 1997 reviewed with the assistance of a machine learning technology, as a proactive disclosure of records under the FOIA. The declassified cables can be found by visiting the [Department’s Virtual Reading room](#).

As noted above, 4,113 records were posted to the public FOIA website in FY 2023, for a total of 245,936 records posted to the public FOIA website as of the end of FY 2023.

The Department regularly publishes reports and other information on its [public website](#). A few examples include the [Department’s annual Country Reports on Human Rights Practices](#), [the annual Trafficking in Persons Report](#), and [the annual Digest of United States Practice in International Law](#)

The Office of the Historian maintains a [public website](#), 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 of the United States 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.

5. 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.

6. 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. The Department also works to group certain web postings together to make it easier for the public to find records that have been posted online.

The Department is currently in the process of evaluating options to redesign its FOIA Virtual Reading Room with the goal of making it easier to find records and ensuring adherence to plain language guidelines. This evaluation includes the potential replacement of the current Virtual Reading Room search engine to provide machine readable and actionable data which is a limitation of the current software.

7. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

Yes. The Department collaborated with the Office of Management Strategy and Solutions (M/SS) Center for Analytics led by the Department's Chief Data and Artificial Intelligence Officer to pilot machine learning software that accelerated the declassification review decisions for the previously mentioned cables that are now being systematically posted to its Virtual Reading Room.

8. Optional — Please describe the best practices used to improve proactive disclosures and 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 1 to 3 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 three or more times. It is part of a strategy to use the website to promote transparency and to avoid duplicative requests in the future.

As described above, the Department is also proactively disclosing historical, declassified cables to its Virtual Reading Room in conjunction with its monthly FOIA postings. This initiative provides the public with access to cables that document the conduct of U.S. foreign relations by the Department of State and U.S. diplomatic and consular representatives overseas and at U.S. missions to international organizations in advance of the material being available through traditional Federal Records Act processes at the National Archives and Records Administration.

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 2022 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 uses to support your FOIA program.

In May 2023, the Department became interoperable with FOIA.gov. The Department also deployed the FOIAXpress Public Access Link (PAL), which provides the public with new self-service capabilities. PAL allows members of the public to create an account to submit a FOIA request, check the status of their outstanding request(s), and download released records. PAL is publicly accessible through the [Department's FOIA website](#) or through the National FOIA portal ([FOIA.gov](#)). Previously, FOIA requests had to be sent to State via mail, email, fax, or placed online using the Department's public website.

The Department continues to explore the use emerging technologies such as artificial intelligence (AI) to improve the electronic management of records in the eRecords archive, including the use of technology-assisted review to filter content from search results, thereby reducing the amount of non-responsive material that must be reviewed.

The Department continues to explore ways to use technology to respond more quickly and efficiently to FOIA requests and improve its level of service to requesters. The Department initiated two pilot projects from June 2023 through February 2024 to explore whether machine learning and other forms of AI can be used to identify similar FOIA requests, conduct searches of the Department's centralized databases for potentially responsive records, and improve the public website, including customer experience for site visitors.

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 during the initial search reduces the time and effort needed locate responsive agency records and reduces agency response time.

In 2023, the Department began implementation of its successful pilot program that used machine learning to assist in the declassification reviews of electronic cable records from 1997 and 1998. In September 2023, the Department made its first release of declassified cables from 1997 to its Virtual Reading Room that had been reviewed with the assistance of a machine learning technology. The Department will continue releasing these declassification cables as part of its monthly "release to one, release to all" FOIA postings.

The Department continues to explore the application of this model to records in addition to Department cables. The Department is also exploring the use of machine learning and other forms of artificial intelligence to identify similar FOIA requests, conduct searches of the Department's centralized databases for potentially responsive records, and improve the public website including customer experience for site visitors. These efforts remain in pilot stages.

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 2023 appear on FOIA.gov?

Yes.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2024.

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 2022 Annual FOIA Report and, if available, for your agency's [Fiscal Year 2023 Annual FOIA Report](#).

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?

No, not all Department components are in compliance with the guidance. The Department's central FOIA office, the Office of Information Programs and Services, became interoperable with FOIA.gov on May 26, 2023; however, the Office of Inspector General is not yet interoperable in line with the guidance.

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 all aspects of the FOIA process electronically, including searching for records previously provided in response to FOIA requests contained in its document storage component.

As described above, in 2023, the Department began implementation of its successful pilot program that used a machine learning model to assist in the declassification reviews of electronic cable records from 1997 and 1998. In September 2023, the Department made its first release of declassified cables from 1997 to its Virtual Reading Room that had been reviewed with the assistance of a machine learning technology.

The Department continues to explore the application of this model to records in addition to Department cables. The Department initiated two pilot projects to explore whether machine learning and AI can be used to identify similar FOIA requests, conduct searches of the Department's centralized databases for potentially responsive records, and improve the public website including customer experience for site visitors.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

The Attorney General's 2022 [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 typical FOIA or Privacy Act process?

Yes.

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

The Department receives first-party requests on various subjects. Certain requests that seek access to personnel-related records, including medical files, can be processed without the need to submit a FOIA request.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

The Department implemented the statutory requirement to accept remote identity proofing and authentication to allow an individual to request access to their records or to provide prior written consent authorizing disclosure of their records under the Privacy Act. The Department went live with its two updated DS-4240 certification of identity forms that permit the use of electronic signatures on August 18, 2022. The forms are available at the [Request Records from the Department of State page](#) and [About Us page](#).

On May 26, 2023, the Department went live with the Public Access Link, its online web portal where requesters can create an account to electronically submit FOIA or Privacy Act request, check the status of a request, access records, and communicate with the Department.

The Department also updated all relevant portions of its FOIA website that pertain to obtaining access to records with forms and instructions on how to submit requests electronically.

B. Timeliness

4. For Fiscal Year 2023, 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 2023 Annual FOIA Report.

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5. 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 2023 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.

The office that adjudicates these requests faced staffing resource challenges. That office is now staffed accordingly to meet the demands of adjudicating expedited requests.

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

Yes.

7. 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 2023?

No.

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

No.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2023 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.

4%

10. 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

11. If your agency had a backlog of requests at the close of Fiscal Year 2023, 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 2022?

No.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2023 than it did during Fiscal Year 2022?

Yes.

13. If your agency's request backlog increased during Fiscal Year 2023, 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

In FY 2023, the Department's FOIA backlog continued to grow despite program efforts and processing 37% more cases in FY 2023 than in FY 2022. This increase in the backlog can be attributed to a number of factors. The Department has seen a steady increase in the number of FOIA requests received year-over-year. In FY 2023, the Department saw a 13% increase in the number of FOIA requests received as compared to FY 2022 and an 85% increase as compared to FY 2019. The Department has also seen an increase in the scope and complexity of the FOIA requests it receives—with 89% of all perfected requests being placed in the complex track. With this increase in the scope and complexity of requests, the Department has seen an increase in the volume of records that must be reviewed in response to a FOIA request.

The demands of FOIA litigation have also been a factor. FOIA requests in litigation comprise approximately 1% of all FOIA requests at the Department but demand approximately 90% of all current FOIA review resources. These factors, coupled with the recent decline in the number of experienced FOIA staff have contributed to the increase in the FOIA backlog. The Department has been actively filling and recruiting for its FOIA vacancies and has also hired additional FOIA contract support.

14. 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 2023. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

138%

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2023, 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 2022?

Yes.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2023 than it did during Fiscal Year 2022?

N/A

17. If your agency's appeal backlog increased during Fiscal Year 2023, 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

N/A

18. 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 2023. 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. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2023 and/or has no appeal backlog, please answer with "N/A."

65%

D. Backlog Reduction Plans

19. In the 2023 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 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 2023?

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 2023, the plan was reviewed to account for updated data for incoming requests and processing rates. The plan is being reviewed and is expected to be updated in FY 2024.

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 continued to fill key FOIA vacancies that will allow for dedicated resources in each program and mitigate against the need to shift resources from FOIA-to-FOIA litigation cases.

The Department continues internal and external training of FOIA staff. The Department also hired new contract employees to process FOIA requests. The Department intends to hire additional Government Information Specialists and contract employees in FY 2024.

The Department also took additional actions to increase its case closure rate, including increased communication with requesters regarding the scope of their requests, proactively releasing records to the public ("release to one, release to all" policy) to reduce the number of FOIA requests received, grouping of similar requests, realigning of FOIA staff into teams, prioritizing the closure of the oldest requests, and exploring the use of new technology (including AI and machine learning) to manage and process requests.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2023, please explain your agency's plan to reduce this backlog during Fiscal Year 2024.

The Department will continue to implement the steps noted above, including continued hiring and training of FOIA staff.

E. Reducing the Age of Requests, Appeals, and Consultations – Ten Oldest Requests

21. In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?

Yes.

22. 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 2022 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

N/A

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

The FOIA Office established a team to directly address the Department's oldest direct requests, oldest consultations, and other agency's oldest requests.

Ten Oldest Appeals

24. In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2022 Annual FOIA Report?

No.

25. 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 2022 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

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

In August 2023, the Department hired a new Branch Chief with extensive FOIA experience working in the Bureau of Consular Affairs. Nearly 70% of FOIA appeals pertain to consular matters, having an in-house subject matter expert has significantly reduced the time needed to consult internally. Additionally, the Department is working to establish a Memorandum of Understanding between the Appeals Office and the Directorate of Visa Services to allow the Branch Chief and Appeals Officer direct access to visa records, creating a more streamlined process to obtain and process appeals.

Ten Oldest Consultations

27. In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report?

Yes.

28. 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 2022 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A

Additional Information Regarding Ten Oldest

29. 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 2024.

The Department was unable to close three of the ten oldest appeals as those appeals were pending consultation with external agencies. The Department is currently working with the Intelligence Community to develop a plan to handle some of the more sensitive and classified information which tends to create a bottleneck for completing older appeal cases.

F. Additional Information about FOIA Processing

30. 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
- Any other information to illustrate the impact of litigation on your overall FOIA administration

The Department’s FOIA litigation demands continued to be considerable. In FY 2023, the Department was named as a defendant in 56 new FOIA litigation cases, the same as in FY 2022. The Department ended FY 2023 with approximately 200 total FOIA litigation cases involving 373 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.

