U.S. DEPARTMENT OF STATE

CHIEF FREEDOM OF INFORMATION ACT OFFICER
ANNUAL REPORT
MARCH 2014

Summary

The Department of State is responsible for formulating and executing the foreign policy of the United States and maintains records dealing with U.S. foreign relations as well as those relating to the programs and activities that support this mission. The Department's mission is global in nature as are the records that document that mission: as such, the Department maintains its records at dozens of locations domestically and at hundreds of posts located around the globe. Freedom of Information Act (FOIA) requests made to the Department can vary from those narrow in scope that seek a single document, to others that are more complex and expansive in nature. Such requests can require the review of thousands of documents, which are frequently retrieved from multiple sources. Moreover, many of the Department's records contain sensitive national security information and are classified pursuant to Executive Order 13526.

During the reporting period, the Department has successfully reduced its FOIA backlog, strengthened its commitment to transparency and openness, particularly through the launch of an expanded and user-friendly public FOIA website, all while addressing challenges to the effective administration of the FOIA process. The review of records that are responsive to FOIA requests often require coordination with other federal agencies and foreign governments prior to an appropriate release determination being made. In an effort to respond to all requests in an efficient manner, the Department processes FOIA requests incrementally and makes interim responses to requesters as document searches and reviews are completed rather than waiting until all responsive records are located and reviewed. To implement its statutory responsibilities under FOIA, the Department has established a centralized and comprehensive FOIA Program, in which a single office receives and coordinates the processing of all FOIA requests made to the Department. Whether that coordination is with the Department's domestic offices and bureaus, its posts overseas, other federal agencies, or foreign governments; the process is managed by the FOIA Program.[1]

The Department's backlog reduction efforts surpassed all expectations in the last year. In Fiscal Year 2013, the request backlog dropped from 10,464 to 8,669, and the administrative appeals backlog dropped from 352 to 272; a reduction of 16.8 percent for initial requests and 22.7 percent for administrative appeals. Furthermore, the Department processed approximately 6,240 additional initial and appeals cases in the same time period. These significant accomplishments can be attributed to a the Department's successful efforts to identify ways to streamline case processing and triage cases in order to identify those appropriate for quick closure.

In addition to its backlog reduction successes and well-received launch of the new public FOIA portal, the Department continued to address challenges to processing FOIA requests. The Department makes every effort to respond to FOIA requests within the statutory response period. However, the Department's global structure and the sensitive nature of its record holdings, many of which contain multiple equities affecting other agencies or governments, combine to make the Department's FOIA administrative process a complex one. Another challenge was the allocation

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[1] The Office of Inspector General (OIG) is the only exception to this process at the Department. OIG processes FOIA requests independently and provides information and statistics on its FOIA activities for inclusion into the Department's FOIA Annual Report.

of resources for several special document productions received by other agencies, which affects the Department's ability to process FOIA requests within the statutory response period. Throughout the reporting period the Department reallocated resources to process these cases as quickly as possible, but the volume of referrals coming into the Department outpaced our ability to process them in the year they were received. In addition, there has been an increase in complex FOIA requests and special projects; which require searching multiple locations around the world, and result in the retrieval of large volumes of records (all of which require declassification and related reviews of sensitive content). Similarly, the Department has handled a significant number of large, complex FOIA litigation cases and special projects involving large document productions, which at times required the reallocation of FOIA resources to meet pressing deadlines. These time-sensitive priorities required the Department to realign resources to address current demands, which in turn impacted the timeliness of responses to FOIA requests.

The Department remains focused on implementing the President's goal of increased transparency and openness by continually improving the public's access to government records. The Department remains committed to achieving full compliance with the letter and spirit of FOIA, and to delivering unparalleled customer service, with the overarching goal of building the best Freedom of Information Act Program in the federal government.

Name and Title of Agency Chief FOIA Officer:
Assistant Secretary Joyce A. Barr, Bureau of Administration, U.S. Department of State

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

FOIA Training:

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

   Answer: Yes.

2. If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.

   Answer: In October 2013, the Department held a full day FOIA training program which included 120 participants. The program included two panel discussions covering best practices in conducting FOIA searches and new developments in FOIA policy. The program also offered sessions covering FOIA Exemptions 5, 6 and 7(C), led by the U.S. Department of Justice (DOJ). The program closed with a panel discussion by three members of the requester community who offered best practices for communicating with requesters.

   In addition, the FOIA Program launched a monthly training series that included sessions related to appeals and litigation, fee policy procedures, and communicating with requesters. The FOIA Program also provided training regarding internal resources that may be used to identify which office and bureau to task with conducting a FOIA search. The FOIA Program also provided training to various bureaus throughout the year, concentrating on specific issues that pertain to each office. Offices that received training included the Bureaus of Public Affairs, Consular Affairs, and Education and Cultural Affairs. In addition, the FOIA Program met with FOIA contacts from around the Department for training on current topics of interest and to discuss recent FOIA activities at the Department.

   To further identify FOIA training needs, the Department initiated steps to create a standing FOIA training committee, which has already convened.

3. Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice?

   Answer: Yes. Many of the Department's FOIA professionals attended the FOIA trainings provided throughout the year by the DOJ, the National Archives and Records Administration's (NARA) Office of Government Information Services (OGIS), and a three-day training program provided by the American Society of Access Professionals (ASAP). Moreover, the Department's FOIA professionals attended the FOIA training program offered in October 2013.

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

   Answer: 100 percent.

5. OIP has issued guidance that every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year. Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.

   Answer: The previously referenced FOIA training program in October 2013 established a framework for providing an annual training program, which will be a mandatory training requirement for all Department FOIA professionals.

Outreach:

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA?   If so, please briefly discuss that engagement.

   Answer: Yes. The Director and Appeals Officer met with representatives from one of the Department's most prolific requesters to discuss how the Department processes FOIA requests and appeals. The Department also invited frequent requesters to preview the Department's proposed new FOIA website design in order to obtain their suggestions for improvements, prior to its launch. These requesters provided valuable insights on how best to design the website in order to make it user-friendly to the public, which greatly improved the final product. Since its launch, the Department's new FOIA public website averages 15,000 visitors per month and has been praised as an agency best practice by the public and by FOIA oversight agencies, including the DOJ and NARA's OGIS. Finally, as mentioned above, the Department's FOIA training program included a requester panel that provided a forum for requesters and FOIA professionals to share ideas on improving communication.

Discretionary Disclosures:

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

7. Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.

    Answer: Yes. The Department has a long-standing policy of assessing the harm in the release of responsive information with the goal of ensuring that as much information as possible is released to the public. The Department has a two-tiered review process, which involves an independent examination of release decisions by a cadre of reviewers and an Appeals Review Panel. The reviewers and Appeals Review Panel are comprised of retired Foreign Service Officers who are uniquely qualified to determine the potential harm in releasing national security and U.S. foreign policy information; which further enhances the high quality of the Department's FOIA review process.

    The Department's practice is to release all material reviewed under FOIA unless an identifiable harm exists. All reviewers are trained to conduct FOIA reviews in compliance with FOIA provisions, relevant FOIA case law, and the requirements of applicable executive orders. The Department routinely makes discretionary releases in response to FOIA requests, particularly under Exemptions 2 and 5.[2] The Department's use of Exemption 2 has sharply decreased since the Supreme Court's decision in *Milner v. Department of the Navy*, 131 S. Ct. 1259 (2011).

    The Department's reviewers have incorporated the Attorney General's FOIA Guidelines, especially the importance of making discretionary releases, into their review procedures. The reviewers are also well-versed in the foreseeable harm analysis and utilize it in every release determination. For reporting purposes, reviewers identify examples of discretionary disclosures they have made and provide it to the Department's FOIA Program Manager.

8. During the reporting period did your agency make any discretionary releases of otherwise exempt information?

    Answer: Yes. The core value underlying the Department's FOIA document review efforts is to release as much information as possible without endangering individuals and/or U.S. government policies and activities. As a general indicator of the Department's implementation of discretionary disclosure guidelines, it is useful to examine the relative number of withholdings made under Exemption 5. In Fiscal Year 2013, the Department asserted Exemption 5 to withhold exempt information 454 times, which is an indicator of the Department's ongoing commitment to maximize discretionary disclosures. In Fiscal Year 2013 the Department processed 21,097 cases,

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[2] 5 U.S.C. §§ 552(b)(2) and (b)(5).

which means that the Department asserted Exemption 5 in approximately two percent of its cases.

9. What exemptions would have covered the information that was released as a matter of discretion?

    Answer: Generally, the Department's discretionary releases involve material that is arguably exempt from release under Exemption 5.[3]

10. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

    Answer: Some examples of the types of information the Department released as a matter of discretion include portions of a document that describe thoughts on Sweden's information technology piracy policies; portions of a document that described opinions provided on Canadian Conservatives' policy on clean air and climate change; and, a memorandum regarding NATO expansion and the need for Senate advice and consent.

11. If your agency was not able to make any discretionary releases of information, please explain why.

    Answer: The Department did make discretionary releases of information, as described above. In many cases, however, the Department is precluded by law or executive order from making such releases, given the sensitive or properly classified national security information that is contained in Department records. In addition, the Department creates and maintains millions of records pertaining to the passport process. Passport records contain personally identifiable information, as well as other information relating to the issuance of a passport, for which the Department has no discretion to release pursuant to the Immigration and Nationality Act (INA), 8 U.S.C.1202 §222(f). Nevertheless, in every case the Department performs a line-by-line review of all documents retrieved and releases as much information as is possible given these constraints.

Other Initiatives:

12. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.

    Answer: Yes.

13. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.

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[3] 5 U.S.C. § 552(b)(5).

Answer: The Department maintains a public website, www.state.gov, that contains a rich collection of information, including speeches, reports, fact sheets, and many other information resources. During this reporting period, the Department undertook a broad initiative to redesign and update its public FOIA website, www.foia.state.gov, to improve customer usability and increase the amount of information available to the public, including documents already released under FOIA. The Department rolled out the redesigned site in July 2013. The website features a modernized look-and-feel that is easy to navigate, comprehensively informs users about the Department and its records, and offers a robust search feature to access to over 85,000 documents already released under FOIA and available for public viewing. The site also links to over 1.7 million declassified State Department electronic records that have been transferred to NARA. Finally, the site contains a user-friendly online request tool to help the public submit requests for Department records directly, quickly and electronically. In addition to improving the website's usability, the Department is committed to posting as many electronic documents as possible, and as soon as possible. Our focus on posting more documents released under FOIA on a more frequent basis will further the goals of increased transparency and improved customer service.

The Department's FOIA Newsletter also continues to promote openness by better informing Department employees of internal and external FOIA policies and activities. These newsletters provide the Department's FOIA professionals with a better understanding of both our practices and policies, and the law and their responsibilities.

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

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

Describe here the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

Personnel:

During Sunshine Week 2012 OPM announced the creation of a new job series entitled the Government Information Series, to address the work performed by FOIA and Privacy Act professionals. Creation of this distinct job series was a key element in recognizing the professional nature of their work.

1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?

Answer: The Department has converted some of its FOIA professionals to the new job series.

2. If not, what proportion of personnel has been converted to the new job series?

    Answer: Approximately three percent of the Department's FOIA professionals have been converted to the new job series to date.

3. If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

    Answer: The Department's FOIA Office and Bureau of Human Resources are engaged in ongoing consultations to address issues related to rewriting current position descriptions and determining the procedures for ensuring that such conversions are done appropriately.

Processing Procedures:

4. For Fiscal Year 2013 did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

    Answer: Yes.

5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations. If so, please describe those steps.

    Answer: The Department has initiated discussions with another agency to explore whether an agreement could be crafted to streamline the processing of referrals. These discussions are ongoing and the OGIS is working to facilitate the process. In addition, the Department's FOIA Program has requested access to Inteldocs, which is a site on which sensitive documents may be shared. We believe that the use of Inteldocs will streamline our referral and consultation process with other National Security agencies as well as with other agencies that can access Inteldocs. This request is currently pending approval by the Department's information security professionals.

Requester Services:

6. Do you use e-mail or other electronic means to communicate with requesters when feasible?

Answer: Yes.

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

    Answer: Yes. The Department notifies requesters of the mediation services offered by OGIS in final appeal response letters.

8. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc.

    Answer: In May 2013 the Department participated in an inter-agency meeting facilitated by OGIS, which included representatives from the Departments of Homeland Security and Justice. OGIS organized the meeting in an effort to identify the various types of immigration-related records that are maintained at several agencies across the Executive Branch and to find ways to streamline the FOIA administrative process for access to these records. The Department will continue to participate in these interagency collaborations to identify ways to improve the public's access to this information.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2013 to March 2014). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures?

    Answer: Yes.

2. If so, describe the system that is in place.

    Answer: In conjunction with the launch of the Department's redesigned FOIA website, the FOIA office has implemented a procedure to identify materials for timely proactive

disclosure; resulting in several documents being uploaded onto the FOIA website on a quarterly basis. There are currently over 85,000 documents on the website.

The FOIA office collaborates with the FOIA Litigation Branch to identify litigation releases in which there is significant public interest for posting on the FOIA website. In 2013, among the Department's posted releases made in the litigation context were records involving the attack on the U.S. Mission in Benghazi, Libya.

In addition, the Department has proactively disclosed information on its public website. Examples of the information are listed below in the answer to question 3. Department personnel determine what to post online based on the public interest that exists in certain high profile topics. The Department also provides datasets in response to the Open Government Initiative and other requirements.

3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

    Answer: The Department has proactively disclosed the following material:

    The Department posted the Draft Supplemental Environmental Impact Statement (EIS) on the Proposed Keystone XL Pipeline. The disclosure of this information provided the public with the ability to understand the differences between the prior EIS and the most recent version.

    The Department also published the comments received on the Draft Supplemental Environmental Impact Statement for the Proposed Keystone XL Pipeline. The Department received over one million comments and responded to 100,000 comments per week. As a result of the Department's commitment to responding to the comments, a requester withdrew a pending FOIA request for access to the public comments. As the Department reviews the comments, they are uploaded onto Regulations.gov. This effort has provided access to hundreds of comments in two different locations for individuals who have filed FOIA requests on the topic as well as for environmentalists and other interested members of the public.

    The Department also proactively disclosed information on the attack on the U.S. Mission in Benghazi, Libya, including remarks made by the Secretary, John Kerry and his Under Secretaries, regarding the attack on the U.S. Mission in Benghazi, Libya. The Department intends to post all documents released in response to FOIA requests, and in FOIA litigation, related to the attack on the U.S. Mission in Benghazi, Libya on the FOIA website.

Making Posted Material More Useful:

4. 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, such as soliciting feedback on the content and presentation of posted material, improving search capabilities on the site, posting material in open

formats, making information available through mobile applications, providing explanatory material, etc.?

Answer: Yes.

5. If so, provide examples of such improvements.

Answer: In Fiscal Year 2013, the Department made substantial progress towards its commitment to transparency and openness when it launched its new [FOIA website](). As discussed above, the dynamic, modernized website makes already-public information easy to find and allows the public to file FOIA requests more easily. The website features robust search functions and detailed information and guidance on how to get access to Department records and information even without filing a FOIA request. The site's new features include: (1) a "Learn" section that assists the public in determining whether the information they seek falls within the Department's mission; (2) step-by-step instructions for submitting requests, along with detailed checklists to help ensure that all the information necessary for filing a valid request is submitted and an enhanced tool for filing requests online; and (3) a Feedback Form to solicit comments to assist the Department in refining and improving the site.

By the end of Fiscal Year 2013, the website's Virtual Reading Room contained over 85,000 documents that the Department had released in response to FOIA requests, mandatory declassification review requests under Executive Order 13526, or other declassification reviews covering a wide range of topics. This number includes approximately 9,000 newly-posted documents added after the website went live, which is the largest number of State Department FOIA documents newly posted online in one fiscal year. It is also an amount that allowed the Department to exceed one of its milestones in its Open Government Plan. The Department will continue to add information onto the FOIA website. There is also a wealth of links to additional information resources in and outside the State Department, including a link to Department records available online at NARA.

As mentioned above, the Department's new website quickly drew acclaim from other agencies and the FOIA requester community. The DOJ's Office of Information Policy [recognized the Department's new website]() as a model for other federal agencies to use in updating their own websites. OGIS, the Federal FOIA Ombudsman, lauded the Department in its efforts to update the website to provide more information in a user-friendly environment and even [blogged]() about its features. The FOIA requester community provided positive feedback to the Department regarding the wealth of information available on the website in terms of searching for and locating FOIA documents and for providing guidance on how to make a request. Since its launch in July 2013, the site has hosted an average of 15,000 visitors monthly and interest continues to grow.

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?

   Answer: Yes. The Department uses many interactive tools to highlight important proactive disclosures, such as the "What's New" page whenever new documents are added to the public website. The Department uses many forms of social media, including Facebook, blogs, mobile applications, Twitter, Google+, and RSS feeds to keep the public notified of the latest activities of the Secretary, foreign policies, and international events. These postings help to lead users to our website for further information about the topics.

7. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are.

   Answer: When dealing with classified national security information, which is the bulk of the information the Department processes in response to FOIA requests, there are many challenges to ensuring that proper safeguards are in place to protect redacted classified information. Nonetheless, the FOIA office posts most documents without delay. Occasionally, the Department faces challenges when documents contain sensitive foreign relations information or information that concerns a matter of ongoing international importance. In these rare cases, the Department collaborates with country desk officers and other subject matter experts to determine if release of the information on the Internet would adversely affect the foreign relations of the U.S. before posting that material on the FOIA website.

8. Describe any other steps taken to increase proactive disclosures at your agency.

   Answer: The Department continues to collaborate with offices, bureaus, FOIA analysts and reviewers to identify information that can be proactively disclosed. As a result, the Department has posted previously released materials onto the FOIA website in record numbers. Moreover, the Department continues to make proactive disclosures of information through the agency's Open Government page, which appears on the Department's main website. The Department's main public website has links to countless publicly available information resources, including speeches, fact sheets, reports, and videos in easy to access formats. For example, the public can access Department officials' speeches by searching on the main website, using the speaker's name.

   Moreover, the Department has been proactive in posting materials relevant to the Keystone XL Pipeline project.

   The Keystone XL Pipeline matter is of major interest to a number of FOIA requesters, environmental groups and the public in general. The Department's proactive disclosures assisted in processing a number of FOIA requests and in keeping the environmental community at large informed. The Department continues to proactively post this information both on the Department's public website and the FOIA website.

Another topic of significant public interest is visa information. The [Department's Bureau of Consular Affairs](#) website provides a wealth of information about visas; including information about the different types of visas, the visa process, and specific issues that the Department handles. The website also clearly explains when the Department of Homeland Security (DHS) is involved and directs the public to DHS with regard to those matters. The Department's [FOIA website](#) goes into further detail about what type of visa-related information a requester can request from the Department and what FOIA exemptions may apply to withhold visa information. By providing more information about visas, the Department hopes to reduce the number of misdirected requests we receive. The FOIA website also has a [chart](#) to help requesters identify where to make a request for the records they seek:

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. Over the past several years agencies have reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2014, as we have done over the past years, the questions have been further refined and now also address different, more innovative aspects of technology use.

Online tracking of FOIA requests:

1. Can a FOIA requester track the status of his/her request electronically?

   Answer: No. The Department processes all FOIA requests in a classified case management system to ensure proper safeguarding of classified national security information at all stages of the administrative process. As a result, pursuant to Executive Order 13526 and information security procedures, the Department places strict controls on access to this system. For this reason, a FOIA requester cannot track a request electronically. However, a requester may call the Department's FOIA Requester Service Center or send an email to FOIAStatus@state.gov to obtain case status information. The Department provides personalized information regarding the status of the FOIA or Privacy Act request or appeal, whether the case is closed, what is needed to perfect a request, the date of the acknowledgement letter, an estimated date of completion, and the processing stage a request has reached. Status of FOIA requests submitted to the OIG may be sought via phone call or through email to oigfoia@state.gov.

2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?

   Answer: The Department provides status information to requesters by e-mail and/or by telephone.

3. Describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system.

    Answer: N/A.

4. In particular, does your agency tracking system provide the requester with an estimated date of completion for his/her request?

    Answer: The Department provides an estimated completion date via e-mail and/or telephone.

5. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability? If not, please explain why.

    Answer: As mentioned in response to question 1 above, because the Department's FOIA cases reside in a classified environment it is not possible at this time to link our FOIA case management systems to a public facing portal that would allow requesters to electronically track the status of their cases. Despite this challenge, the Department continues to explore ways to facilitate the tracking of status requests electronically. The Department is participating in interagency technology-related initiatives led by the White House's Office of Science and Technology and the DOJ's Office of Information Policy and NARA's OGIS, and is continuously evaluating emerging technologies for applicability within the Department and for purposes such as these.

Use of technology to facilitate processing of requests:

6. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

    Answer: Yes. The FOIA office uses a corporate archive known as the State Archiving System (SAS) to locate many responsive records. This system provides FOIA analysts with the tools to quickly and effectively carry out extensive searches for responsive records. SAS is currently being updated with newer technology to assist with searching.

7. If so, describe the technological improvements being made.

    Answer: The FOIA office will soon have access to a new version of the State Archiving System (SAS), known as SAS v3.0. The application is custom built to assist FOIA case analysts, as well as other Department researchers, with their search for relevant material

in response to FOIA requests. It has two components, a search engine and a data archive. The data archive contains two distinct data collections from 1973 to the present: cables and written correspondence. Other planned improvements include changing the document formats available for searching (Cables, Record E-mails, and Written Correspondence), streamlining support for duplicate messages, and 25 Year Review enhancements for classified documents, resulting in a more rich and robust user experience.

Furthermore, in an effort to increase efficiency and productivity through the use of technology in our business process, our IT professionals are currently exploring electronic methods to facilitate the electronic ingestion of Department records into our case processing system as well as the electronic delivery of documents to the requester. As discussed earlier, the FOIA office has also requested approval to use the document sharing platform known as Inteldocs to streamline the referral and consultation process and the internal delivery of documents to the FOIA office.

8. Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?

   Answer: The Department continues to make the FOIA case management system more efficient. The Department is also exploring a common, interagency platform that would enable the electronic sharing of records for FOIA referrals and consultations, which is anticipated to expedite the processing of FOIA cases, administrative appeals and litigation actions. As many agencies, including the U.S. Department of State, operate in both the classified and unclassified environment, any such solution would need to be able to accommodate access controls that necessary for handling classified information. In addition, eDiscovery tools may provide benefits in the FOIA process.

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

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2013 Annual FOIA Report and, when applicable, your agency's 2012 Annual FOIA Report.*

Simple Track Requests:

1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests

that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

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

       Answer: Yes.

    b. If so, for your agency overall, for Fiscal Year 2013, was the average number of days to process simple requests twenty working days or fewer?

       Answer: No. The Department defines a simple request in two ways: (1) a request that does not need a search to be conducted (referrals), and (2) a request in which the search and review of responsive documents can be completed within the FOIA office without tasking other bureaus, posts, or offices to conduct a search. For the past several years, the Department has received over 10,000 referrals per year from other agencies. The volume of referrals, or simple requests, that the Department receives annually has created a significant challenge in responding to simple requests within twenty working days or fewer.

    c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

       Answer: N/A.

Backlogs and "Ten Oldest" Requests, Appeals and Consultations:

2. Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests –Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.

Backlogs

    a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?

       Answer: Yes. The backlog decreased by 16.8 percent in Fiscal Year 2013.

    b. If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?

Answer: Yes. The backlog decreased by 22.7 percent in Fiscal Year 2013.

Ten Oldest Requests

c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?

Answer: Yes.

d. 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 2012 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed two of them, you should note that you closed two out of seven "oldest" requests.

Answer: N/A.

Ten Oldest Appeals

e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?

Answer: Yes.

f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.

Answer: N/A.

Ten Oldest Consultations

g. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?

Answer: Yes.

h. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2012 Annual FOIA Report.

Answer: N/A.

Reasons for Any Backlogs:

3. If you answered "no" to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:

Request and/or Appeal Backlog

a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?

   Answer: N/A.

b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff?

   Answer: N/A.

c. Was the lack of a reduction in the request and/or appeal backlog caused by an increase in the complexity of the requests received?

   Answer: N/A.

d. What other causes, if any, contributed to the lack of a decrease in the request and/or appeal backlog?

   Answer: N/A.

"Ten oldest" Not Closed

e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.

   Answer: N/A.

f. If your agency was unable to close any of its ten oldest requests or appeals because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

   Answer: N/A.

Plans for Closing of Ten Oldest Pending Requests, Appeals, and Consultations and Reducing Backlogs:

Given the importance of these milestones, it is critical that Chief FOIA Officers assess the causes for not achieving success and create plans to address them.

4. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2014.

   Answer: N/A.

5. If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency's plan for achieving backlog reduction in the year ahead.

   Answer: N/A.

Interim Responses:

OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information.

6. Does your agency have a system in place to provide interim responses to requesters when appropriate?

   Answer: Yes.

7. If your agency had a backlog in Fiscal Year 2013, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

   Answer: The Department estimates that it made interim releases to requesters in 361 cases pending in the backlog during Fiscal Year 2013. Further, the Department provided 413 separate releases in those 361 cases, as many cases involved more than one interim release. The Department makes interim releases as records become available through the search process. With each released segment, the requester is given appeal rights, as is the case when the Department makes one release of responsive documents. This ensures a constant flow of material so that the requester does not have to wait until the whole request has been processed before he or she receives responsive records or to file an administrative appeal.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the

records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2013?

    Answer: No.

2. If so, what was the total number of times exclusions were invoked?

    Answer: N/A.

Spotlight on Success

   Out of all the activities undertaken by your agency since March 2013 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP**.**   To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of a key achievement. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Answer:

- The Department has much to be proud of since March 2013 in light of the significant milestones reached to increase transparency and to improve FOIA administration. Our greatest achievement for the year is the launching of the new and improved FOIA website. The new FOIA website features robust search functions, more detailed information and guidance on how to gain access to Department records and information, access to over 85,000 documents released in response to FOIA requests and under other declassification projects, which all serve to increase transparency and improve FOIA administration. The Department's new website has attracted significant positive attention from other agencies and the FOIA requester community. Since its launch in July 2013, the new and improved website has hosted an average of nearly 15,000 visitors each month and interest continues to remain high.
- In Fiscal Year 2013 the Department also achieved a significant milestone in surpassing its backlog reduction goal. By creating a backlog reduction plan, which included cross-training of FOIA analysts and a collaborative "all hands on deck" team effort approach to closing outstanding requests, the Department reduced the backlog of pending FOIA requests by 16.8 percent and pending administrative appeals by 22.7 percent. It also closed the ten oldest requests, appeals and consultations during the fiscal year.
- The Department reached out to the requester community to promote a dialogue to better understand each other's needs and to improve customer service. FOIA professionals worked with the requester community to design the new FOIA public website. The Department also included requesters in a panel on best practices for communicating with requesters at the annual FOIA training program in October.

- The Department provided significant training opportunities throughout the year. The FOIA office provided a monthly FOIA training series, a full day of FOIA training for all FOIA professionals at the Department, and written materials and training aides. Training is also provided on the FOIA SharePoint site.