

OIP Guidance for Further Improvement Based on 2019 Chief FOIA Officer Report Review and Assessment

Posting Raw Data from Annual FOIA Reports

The *FOIA Improvement Act of 2016* amended the FOIA to require all agencies to proactively post the raw data that makes up the content of their Annual FOIA Reports. In 2016, OIP issued [Guidance on the New Requirements for Agency Annual FOIA Reports](#) to assist agencies in complying with this requirement. The 2018 and 2019 Chief FOIA Officer Report Guidelines asked agencies to provide the link to the raw data posting from their FY 2016 and 2017 Annual FOIA Reports. While most agencies are posting their raw data, there are some agencies that indicated they were not able to do so. Those agencies that have not yet posted their raw data should review OIP's guidance and determine next steps for ensuring that they can comply with this posting requirement.

Improving Timeliness and Reducing Backlogs

The Department's FOIA Guidelines emphasize the importance of timeliness when responding to requests. As agencies receive more requests every year additional challenges must be overcome to improve timeliness. In the 2019 Assessment, OIP captures agencies' efforts in this area by scoring several milestones, including: the average processing time for simple requests, increases in production rates, reductions in backlogs, the percentage of the backlogs in relation to incoming requests and appeals, and the closure of agencies' ten oldest requests, appeals, and consultations.

With regard to simple track requests, those agencies that reported an average processing time of more than twenty days should reexamine their FOIA process and strive to meet this milestone. For those agencies with backlogs of requests and appeals, agencies should continue to work to reduce those backlogs. Finally, agencies should continue to make it a priority to close their ten oldest pending requests, appeals, and consultations each fiscal year.

OIP encourages agencies to take steps to actively monitor the status of their ten oldest requests, appeals, and consultations throughout the fiscal year. For example, agencies may task specific FOIA personnel to regularly follow up on the status of the ten oldest requests, appeals, or consultations, which can help agencies to identify and address any unique challenges to processing those cases. Agencies can also use their quarterly reports to OIP to monitor the progress of the ten oldest requests, and may also consider checking the status of the ten oldest appeals and consultations each quarter as well. Our sustained efforts to close these requests and appeals every year is essential to reducing the age of the government's backlogs and resolving those cases that have been lingering for years. Closing the ten oldest consultations also ensures that the agencies that sent the consultations can have the responses they need in order to close out those requests.