

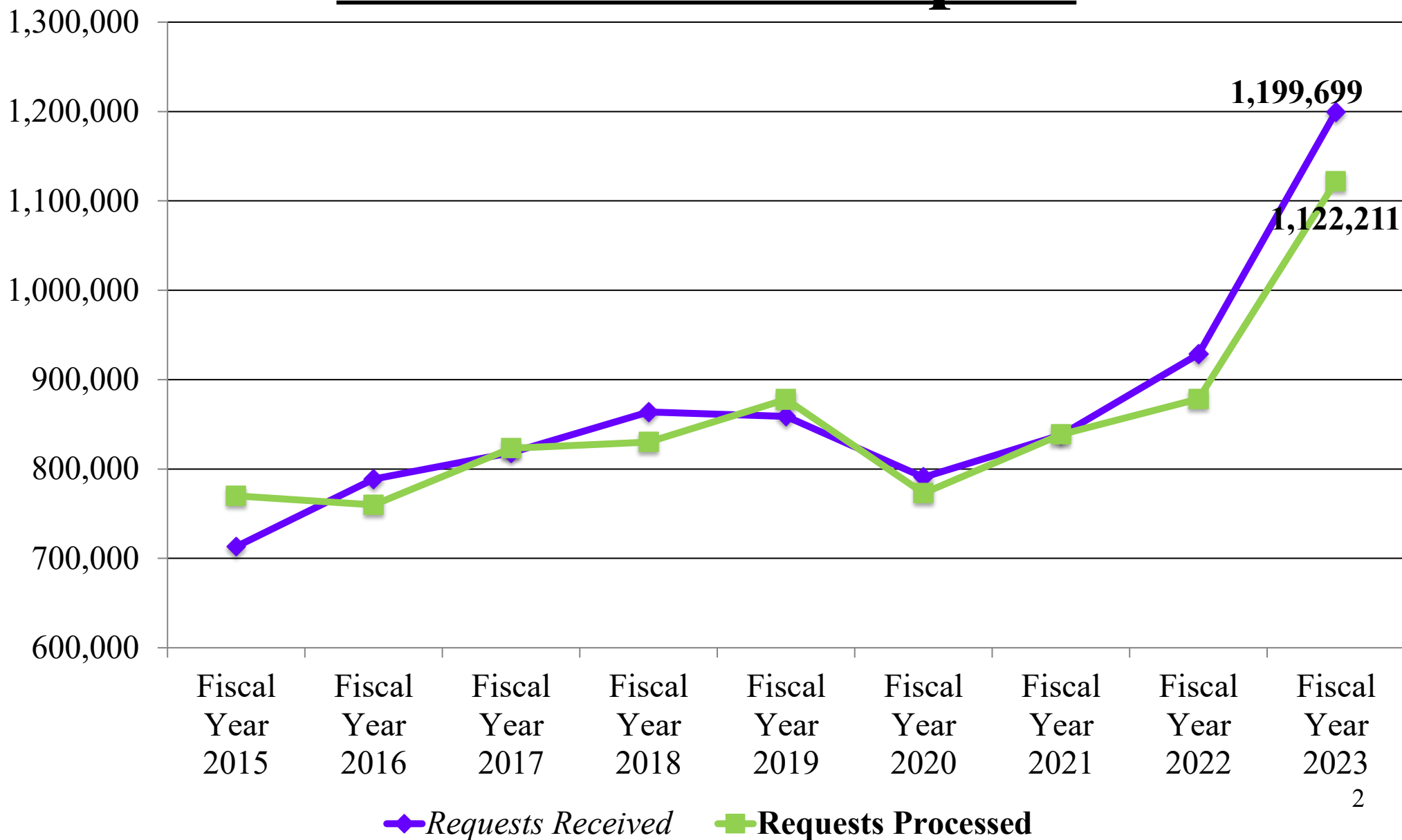


UNITED STATES DEPARTMENT *of* JUSTICE

# Accuracy and Accountability in FOIA Processing

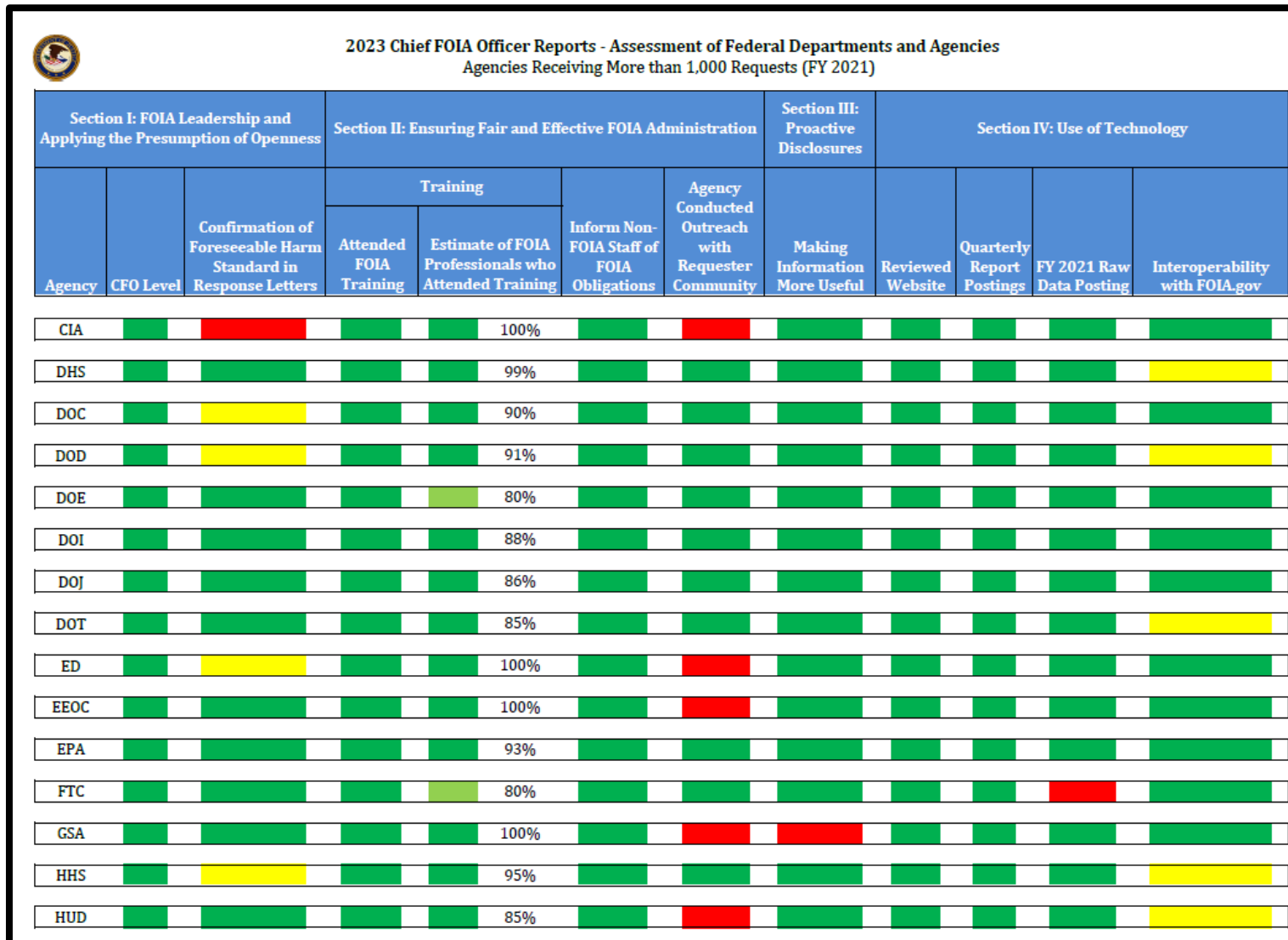


# Annual FOIA Report





# Chief FOIA Officer Report





# Quarterly Reports

## Report Results

[Print](#)[Download CSV](#)

Received, processed, and backlogged FOIA requests

Agency ▾	Component ▾	Fiscal Year ▾	Quarter ▾	Number of requests received ▾	Number of requests
Department of Justice	OIP	2022	1	413	404
Department of Justice	OIP	2022	2	386	442
Department of Justice	OIP	2022	3	347	385
Department of Justice	OIP	2022	4	488	454



# Impacts of Processing Metrics

- Data Quality and Administrative Record
- Resources and Reporting
- Oversight and Accountability



# Impacts of Processing Metrics

## Data Quality and Administrative Record

- Accurate request tracking ensures accurate data quality for your agency.
- Complete and accurate administrative records ensure your agency is in the best position for administrative appeal and/or in court.



# Impacts of Processing Metrics

## Resources and Reporting

- Supervisors and agency decision-makers rely on accurate FOIA metrics.
- Accurate documentation helps ensure a smooth reporting cycle for agencies.



# Impacts of Processing Metrics

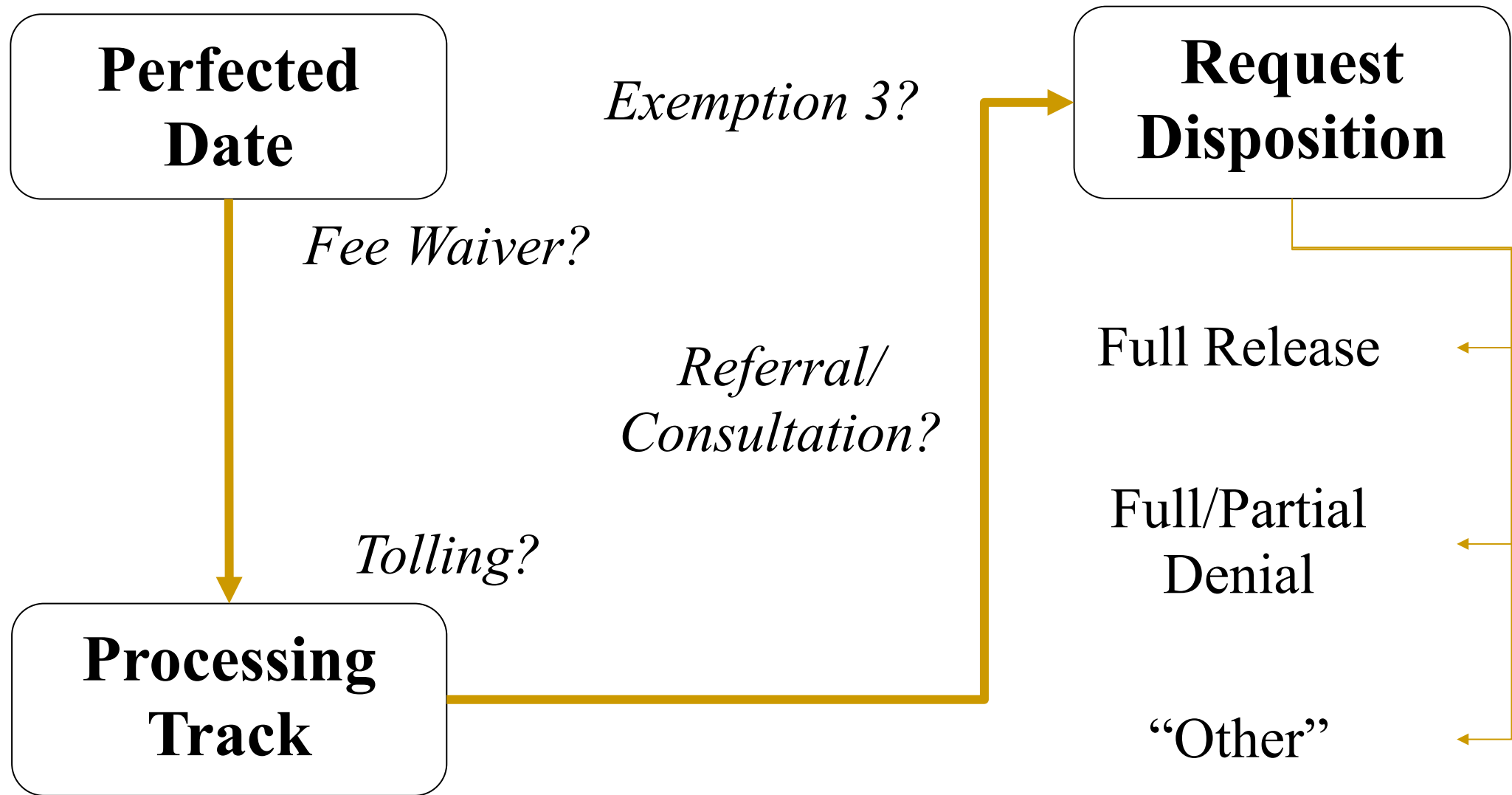
## Oversight and Accountability

- Complete and accurate metrics form the basis of effective oversight by your agency, Congress, the public, and DOJ.
- OIP compiles annual summaries and assessments of agency FOIA reports<sup>8</sup>.





Each of these items impact agency FOIA metrics:





## Perfected v. Unperfected Requests

- A perfected request must:
  1. Reasonably describe records sought, and
  2. Comply with agency regulations.
- Perfected date is usually date of receipt.
- Distinguishing between perfected and unperfected ensures accurate metrics.



## Perfect v. Unperfected Requests

Contact requester to clarify unperfected requests.

Unperfected requests are closed with one of the following dispositions:

- “Records not Reasonably Described”
- “Improper FOIA Request for Other Reason”



## Processing Tracks

- Assign each request to an appropriate processing track (simple, complex, expedited), and update as needed.
- Proper track assignment ensures accurate medians and averages for reports, which can also help you provide estimated dates of completion.



## Fee Waivers

- Fee waiver requests should only be adjudicated when there are actual fees to assess.
- If fees are not an issue, the fee waiver request should not be counted as granted or denied.



# Tolling

Generally, agencies have 20 working days to respond to a request. However, the clock can be “tolled” or stopped only if the agency is:

- Awaiting the requester’s response to questions concerning fees (can toll as needed), or
- Awaiting additional information to clarify a request (can toll only once).



# Tolling

The clock **does not** stop for:

- Inclement weather/snow days.
- Any closure *other than* a Saturday, Sunday, or legal public holiday.

Tolling, when appropriate, helps ensure the backlog and processing time are not adversely affected by requests that are on hold.



## **Unusual Circumstances**

The 20 working day time limit can be extended by 10 days if timely written notice is provided to the requester that the agency needs to do one or more of the following:

1. Search separate offices,
2. Examine voluminous records, or
3. Consult with another agency or two or more agency components





# Referrals v. Consultations

## Referrals

- Received and tracked as a normal request.
- Receiving agency responds directly to requester.

## Consultations

- Tracked separately from requests.
- Receiving agency responds to sending agency, which responds to requester.



# Dispositions

## V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee- Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	



## Dispositions

- Generally, you will grant, partially grant, or deny requests based on FOIA exemptions.
- In some cases, you may deny requests based on reasons other than exemptions.
- Each request should have only one disposition for reporting purposes.



# Dispositions

## V.B.(c). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee- Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	



# Dispositions

Disposition codes when records are located and reviewed for disclosure:

- Full Grant
- Partial Grant/Denial
- Full Denial based on Exemptions



# Dispositions

## V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee- Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	



# Dispositions

Disposition codes when denying requests for reasons **other** than an exemption:

- No Records
- All Records Referred to Another Component or Agency
- Request Withdrawn
- Fee-Related Reason
- Records not Reasonably Described
- Improper FOIA Request for Other Reason
- Not Agency Record
- Duplicate Request
- Other



## **Dispositions – “Other/Other” Reason**

You may close a request for a reason not captured by an “Other” disposition. In these cases, you will use an “Other/Other” disposition, such as:

- Court Sealed
- Referred not Responsive
- Unable to Locate or Contact Requester
- Directed Requester to Another Entity  
Subject to the FOIA





# Resources

- DOJ Handbook for Agency Annual FOIA Reports – Section II provides guidance for all agency FOIA professionals
- Agency FOIA Reporting Obligations At-A-Glance
- Exemption 3 Statute Charts



## Resources (continued)

- Agency FOIA Personnel
- DOJ Office of Information Policy -  
202-514-FOIA (3642)
- FOIA.gov



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Questions?