U.S. Department of
JUSTICE

Chief FOIA Officer's Report for March 2024 to March 2025

March 17, 2025

Office of Information Policy

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Introduction

The Freedom of Information Act (FOIA) requires each agency's Chief FOIA Officer to "review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing [the FOIA]."[1] Implementing this provision, the Department of Justice's FOIA Guidelines direct agency Chief FOIA Officers to annually review all aspects of their FOIA administration and to report to the Department on steps taken to improve their FOIA programs.

This marks the fifteenth year in which agencies, including the Department of Justice, have issued a Chief FOIA Officer Report. The Department of Justice's Chief FOIA Officer Report for March 2024 to March 2025 details notable achievements and challenges in its administration of the FOIA. The Department's accomplishments during the last year include reducing the backlog by over 50% despite receiving nearly 20% more requests, processing a record number of requests; closing the ten oldest requests, administrative appeals, and consultations; and acquiring new technologies to improve FOIA processing. The Report also describes challenges components faced over the past year, staffing and technology resource limitations, increased volume and complexity of requests, and the impact of litigation on processing requests.

The following report provides a comprehensive review of the steps taken throughout the Department of Justice to improve its FOIA administration since the issuance of the last Chief FOIA Officer Report in March 2024.

Overview of DOJ FOIA Processing and Key Metrics

The Department of Justice administers the FOIA on a decentralized basis, with thirty-two separate FOIA offices handling requests made to the various Department components. The Department received 132,527 FOIA requests in 2024. The Executive Office for Immigration Review (EOIR) received 87,842 requests in FY 2024, constituting 66.28% of the Department's total requests received. Six components received fewer than 100 requests. Figure 1, below, summarizes the distribution of requests across the Department.

[1] 5 U.S.C. § 552(j)(2)(D) (2023).

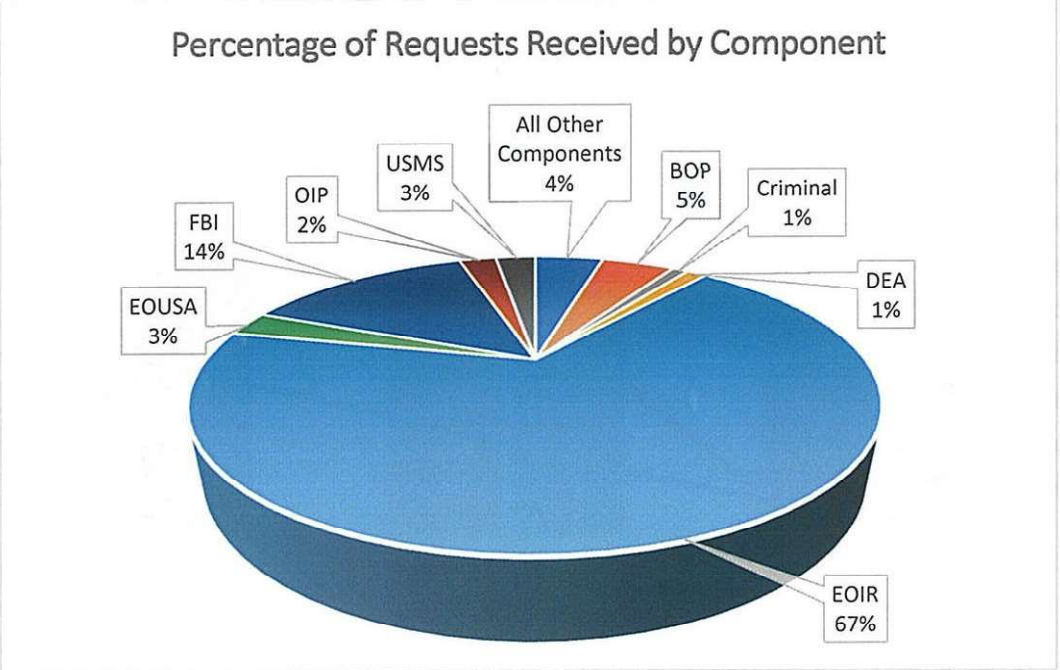

Figure 1: Distribution of requests received by component.

OIP is responsible for processing FOIA requests for the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Legislative Affairs, Legal Policy, Public Affairs, and Executive Secretariat, as well as OIP. During FY 2024, OIP also processed requests for the Office of Special Counsel. The remaining thirty-one Department components are responsible for processing requests received for their own records, based upon guidance provided by OIP. The Department processed 157,180 requests in FY 2024, which is 13,115 more requests than FY 2023. Thirty components processed more requests in FY 2024 compared to FY 2023. OIP also adjudicates administrative appeals of FOIA denials for all Department components. Despite receiving 26% more appeals in FY 2024 as compared to FY 2023, OIP reduced the backlog and overall age of administrative appeals. From FY 2022 to FY 2024, the Department has seen a consistent increase in the number of requests received and processed, as displayed in Figure 2. While the year-to-year percentage increase of received requests is higher than processed, components within the Department are investigating multiple avenues to ensure the backlog remains low and the total processed requests continue to outpace received.

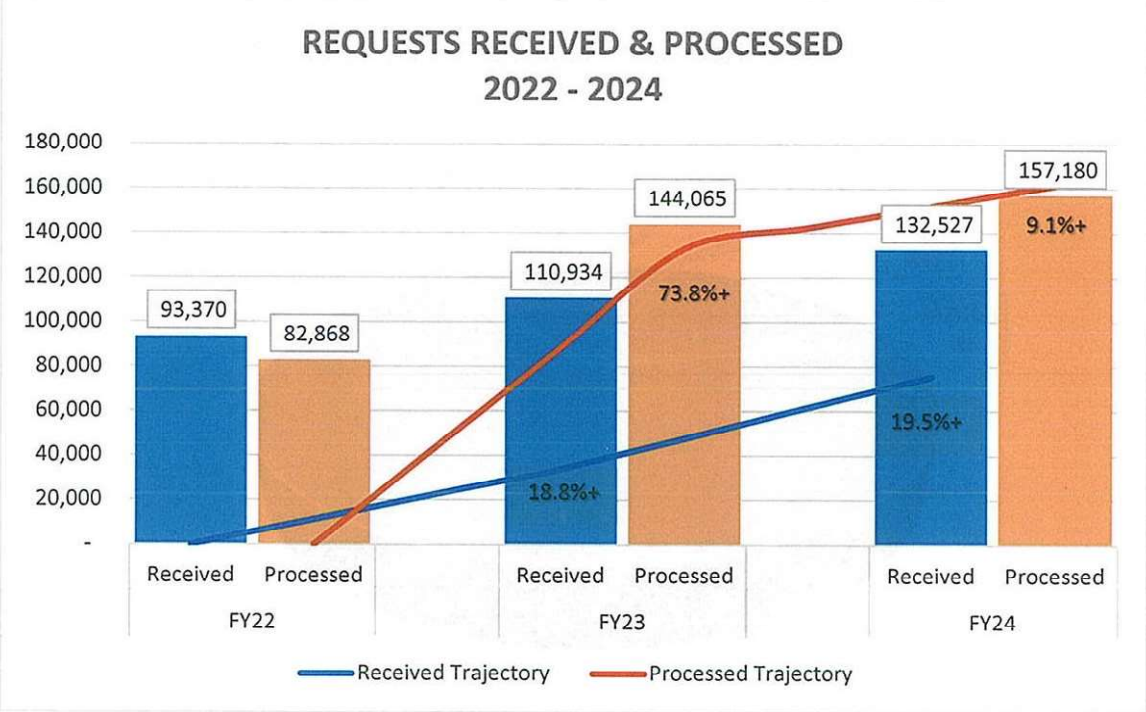

Figure 2: Increasing trends of requests received and processed.

Section I: FOIA Leadership and the Presumption of Openness

The DOJ FOIA Guidelines state that "fair and effective FOIA administration requires support from agency leadership." The Department has engaged in several efforts to engage leadership and prioritize the presumption of openness by incorporating the FOIA into the agency's core mission and strategic plans.

Leadership Support for FOIA

The FOIA charges the Chief FOIA Officer with "agency-wide responsibility for efficient and appropriate compliance" with the Act and requires that the role of the Chief FOIA Officer be handled by a senior official at the agency at the Assistant Secretary or equivalent level. Acting Associate Attorney General Chad Mizelle, the third-ranking official at the Department of Justice, serves as the Department's Chief FOIA Officer.

> For more than fifty years, the Freedom of Information Act (FOIA), 5 U.S.C. § 552, has been a vital tool for ensuring transparency, accessibility, and accountability in government.
>
> *- DOJ FOIA Guidelines*

The Department recognizes the importance of FOIA and seeks to lead by example. One of the key performance indicators for FOIA performance is the ratio of backlogged to incoming FOIA requests. The Department made substantial progress toward this indicator in FY 2024 and continuing into FY 2025, reducing its backlog significantly as compared to FY 2023. The Department's Strategic Plan also states that the Department will

"emphasize user-centered design practices and plain language to ensure that its public-facing technology tools provide clear, concise, and usable information to the public." The FOIA case management systems used by many of the components, component FOIA websites, and FOIA.gov are developed and updated using user-centered design and have also implemented plain language best practices.

Some of the Department's components also integrated FOIA into their missions and strategic plans. For example, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) participated in strategic planning workshops to help revise and update the Bureau's strategic plan. The plan was completed during FY 2023, and the implementation work continues today with the ongoing participation of ATF's leaders. The overall strategic plan includes measures to help drive backlog reduction, with the goal of reducing the ratio of FOIA backlog of incoming current fiscal year requests to 30% by FY 2028.

Presumption of Openness

Foreseeable Harm Language

The DOJ FOIA Guidelines provide 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." All DOJ components continue to include language in their final determination letters stating they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

Glomar (Neither Confirm nor Deny) Responses

If acknowledging the existence of records would harm an interest protected by a FOIA exemption, an agency may respond to a requester that it can neither confirm nor deny the existence of requested records. This is commonly referred to as a *Glomar* response. Currently, there is no requirement to track and report on the use of *Glomar* responses in agency Annual FOIA Reports. To bring greater transparency to the use of *Glomar* responses, OIP has asked agencies to report on them in their Chief FOIA Officer Reports. Of the Department's thirty-two components, twenty-six either did not track the use of any exemptions involving a *Glomar* response or, if they did track, indicated that they did not issue a *Glomar* response during the reporting period. The Executive Office for United States Attorneys (EOUSA) indicates that it is currently working with a case management developer to be able to track *Glomar* responses.

Components listed in the chart below incorporate tracking of *Glomar* responses into their case management systems. These components reported issuing 474 such responses during the reporting period. Figure 3, below, indicates the number of *Glomar* responses issued by component and, when available, whether they were full or partial denials, and the exemptions cited.

Component	Number of *Glomar* Responses	Exemptions Cited
Antitrust Division (ATR)	6 Denials[2]	Exemption (7)(A), (7)(D), and (3)
Executive Office for United States Trustees (EOUST)	3 Full Denials	Exemptions 6, 7(A), 7(C), and 7(E)
Federal Bureau of Prisons (BOP)	119 Full Denials	Exemptions 6 and 7(C)
Criminal Division (CRM)	120 Full Denials	Exemptions (6), (7)(A), (7)(C)
Drug Enforcement Administration (DEA)	211 Full Denials	Exemptions 6, 7(A), 7(C), 7(D), 7(E), and 7(F)
Office of Professional Responsibility (OPR)	6 Full Denials	Exemptions 6 and 7(C)
Tax Division (TAX)	15 Full Denials	Exemptions (3), (6), and 7(C),
U.S. Marshal Service (USMS)	12 Full Denials	Exemptions (3), (6), 7(C), 7(E), and 7(F)

Figure 3: Summary of component Glomar response data.

Section II: Ensuring Fair and Effective FOIA Administration

As stated in the DOJ FOIA Guidelines, "[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce." The FOIA Guidelines reinforce longstanding guidance to "work with FOIA requesters in a spirit of cooperation." The Guidelines also "urge 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. The Department has undertaken efforts to ensure fair and effective FOIA administration, including continuing to host robust FOIA trainings, prioritizing outreach with the public to improve understanding of the FOIA process, assessing personnel needs of FOIA programs, and using data to identify best practices and address challenges in administering the FOIA.

FOIA Training

The FOIA directs agency Chief FOIA Officers to offer FOIA training to agency personnel. *See* 5 U.S.C. § 552(j)(2)(F). Training on FOIA administration, including how to correctly apply the statute's exemptions, enhances an agency's ability to administer the law. OIP continues to conduct a wide range of training activities to educate FOIA personnel at all federal agencies on the legal requirements of the FOIA and applicable policy directives.

Between March 2023 and March 2024, over 7,000 federal employees attended OIP-hosted training sessions on topics including the FOIA's procedural requirements, FOIA exemptions, fees, litigation considerations, improving customer service, and ensuring an effective FOIA administration. These trainings are also made available to and used by Department personnel.

[2] ATR does not differentiate *Glomar* responses as full or partial denial.

FOIA professionals within the Department and from across the government attended the following events:

- Introduction to the Freedom of Information Act
- Processing from Start to Finish Workshop
- Procedural Requirements, and Fees and Fee Waivers Training.
- Litigation Workshop
- Administrative Appeals, FOIA Compliance, and Customer Service
- Exemption 1 and Exemption 7 Training
- Exemption 4 and Exemption 5 Training
- Privacy Considerations Training
- Continuing FOIA Education
- Refresher Training for FY 2024 Annual FOIA Reports and 2025 Chief FOIA Officer Reports

Further, OIP continued to provide specialized training to agencies on any topic of interest, tailoring instruction to specific agency needs. Fourteen professional staff members from OIP gave a total of eight training presentations during the year. Individualized training sessions were conducted for the following agencies:

- Department of Agriculture
- National Archives and Records Administration
- Department of Defense
- Department of Interior
- Social Security Administration
- Department of Energy
- Federal Trade Commission
- Federal Housing Finance Agency

OIP hosted its annual DOJ FOIA Conference in April 2024, providing training to the Department's FOIA offices on topics such as updates to FOIA.gov, FOIA Business Standards, trends in FOIA litigation, and significant new case law.

OIP holds monthly calls with FOIA professionals from all the Department's components during which OIP discusses issues impacting components and recent case law.

The Department's components also lead substantive training for their staff. For example:

- The Federal Bureau of Investigations (FBI) held several types of training for new and experienced staff. FBI provided an initial six-week program for incoming staff that took them through the entire request process, including intake, acknowledgement, search and import of responsive records, and "front-end" determinations. FBI also offered, "FOIPA Disclosure," a four-week course that covered the application and analysis of FOIA and Privacy Act (PA) exemptions. Additional Continuing Education courses ensured employees were up-to-date in their understanding throughout the year. A Quarterly Enrichment Program provided opportunities for staff to hear from various FBI subject matter experts who shared their

experiences to enhance employee understanding of FBI operations. Learning from these subject matter experts provides operational context to the processing of FBI FOIPA requests.

- The Executive Office for Immigration Review (EOIR) FOIA staff conducted targeted FOIA trainings on FOIA Exemption 6 and the processing of Board of Immigration Appeals decisions; topics that are directly relevant to the typical FOIA requests the office receives.
- The Tax Division (TAX) Senior Division Counsel hosted FOIA & Coffee sessions on litigation strategy and tips for trial attorneys nationwide.

OIP continued to make interactive FOIA training modules for senior executives, federal employees, and FOIA professionals available to agency employees on *LearnDOJ*, the Department's e-learning management system. In addition, components informed non-FOIA professionals of their obligations under the FOIA through regular briefings on active cases or specialized FOIA training and resources. For example:

- The Civil Division (CIV) meet weekly with the Division's Executive Officer, to discuss the work of the FOIA and Privacy Office as well as its evolving needs.
- EOUSA staff provided training on requests to contacts within the United States Attorney's Office (USAO), non-FOIA professionals whose collateral duties involve FOIA responsibilities.
- The Executive Office for United States Trustees Office of the General Counsel (EOUST-OGC) created a training module for all United States Trustee Program (USTP) personnel, as well as gave a presentation to new USTP Administrative Officers regarding FOIA and their role in the FOIA process.
- The Justice Management Division (JMD) was regularly pulled into ad hoc virtual and in-person discussions about FOIA and conducted FOIA training with FOIA liaisons while working with them on FOIA requests. Subjects generally covered included exemptions, types of FOIAs, fees, timelines, dispositions, and tracks.
- The National Security Division (NSD) added mandatory FOIA training for all new NSD employees regarding their obligations under FOIA during required onboarding sessions.
- The Office on Violence Against Women (OVW) conducts FOIA training with each onboarding class of new employees during their first week of onboarding.
- Many components also provide FOIA information on their intranet pages as a resource for non-FOIA professionals.

During FY 2024, 89.17% of the Department's FOIA professionals attended substantive FOIA training. OIP will continue to provide comprehensive FOIA training to both the Department's FOIA professionals and FOIA professionals across the government. OIP will also continue to provide targeted training to agencies and the Department's components upon request. Details on upcoming training opportunities provided by OIP can be found on the Training page of OIP's website.

Outreach with the Requester Community

To improve the Department's and government-wide FOIA administration, the Department continues to engage in outreach with the requester community both outside of and as part of the standard request process.

Outreach Outside of the Standard Request Process

The Director of OIP serves on the FOIA Federal Advisory Committee, which is made up of both government and non-government members of the FOIA community and serves as a forum for exchanging ideas on FOIA administration. The Director of OIP is also a co-chair, along with the Director of the Office of Government Information Services (OGIS), of the Chief FOIA Officer's (CFO) Council, which hosts meetings that are open to the public and provide opportunities for public comment. Additionally, OIP's Director was a member of the Open Government Federal Advisory Committee, which served as an advisory body to the General Services Administrator on federal open government and public engagement efforts. OIP's Director and other senior staff also participate in outreach with members of the public and representatives from various civil society groups to discuss topics related to FOIA and government transparency, such as work related to commitments to strengthen access to government information through FOIA contained in the Fifth United States Open Government National Action Plan.

Many components also engaged in outreach with the requester community during the reporting period. For example, the Environment and Natural Resources Division's (ENRD)'s dedicated FOIA attorney served as a member of the CFO's Council Committee on Cross-Agency Collaboration and Innovation (COCACI) and chaired the Government Information Specialist (GIS) Professionalization subcommittee.

EOUSA FOIA staff held outreach telephone conferences with requesters and/or groups of requesters seeking similar categories of records. During these calls, EOUSA provided explanations about how such records are maintained, the strategic approach EOUSA employs to collect and process records, and suggested alternatives or consolidated approaches that could improve effectiveness and efficiency.

ATF's FOIA program continued to work proactively with stakeholders, including firearms industry trade associations, gun violence prevention organizations, Second Amendment advocacy groups, and news media organizations. ATF's proactive requester engagement improved efficiency, strengthened relationships, and avoided unnecessary conflict or litigation.

Outreach as Part of the Standard Request Process

As part of the standard request process, DOJ's FOIA professionals proactively contact requesters concerning complex or voluminous requests to clarify or narrow the scope of requests. Many components achieved success through early and frequent communication with requesters as part of the processing of their requests. Such communication helped to avoid litigation in many instances. The Office of Community Oriented Policing Services (COPS) FOIA Officer proactively reaches out to requesters for clarification or to narrow the scope of a request if it is broad or burdensome. For example, the COPS FOIA Officer coordinates with requesters to narrow requests for program grant applications to only the application without attachments when all the information pertaining to the request for funding is contained within the application and the attachments do not support approval of funding.

The Office of Legal Counsel (OLC) has designated four criteria for immediate contact with requesters. As soon as a request is received that (1) is difficult to parse; (2) is addressed to OLC, but contains language that causes OLC to question whether the requester is seeking documents beyond OLC; (3) is written in such a way that it would undercut the requester's likelihood of receiving the documents they are seeking; or (4) would be needlessly difficult or time-consuming to process as written, the OLC FOIA program immediately contact the requester for clarification or to work with the requester to develop the optimal request language.

Many other components routinely have FOIA staff contact requesters as needed to clarify requests and improve efficiency in responding.

FOIA Public Liaison

The FOIA describes the role of FOIA Public Liaisons as supervisory officials for agency FOIA Requester Service Centers who are "responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes."[3] FOIA Requester Service Centers and FOIA Public Liaisons play essential roles in providing quality service and effective communication with requesters. Each component within the Department has its own FOIA Requester Service Center and FOIA Public Liaison to assist the public with any questions they might have regarding their FOIA requests or the FOIA in general. In addition, OIP fields numerous calls from the public, assisting requesters in understanding how the FOIA works, including how and where to submit FOIA requests.

The Department estimates that its FOIA Public Liaisons received more than 110,748 inquiries from members of the public via phone and e-mail. The frequency and number of times that requesters reached out to different components' FOIA Public Liaisons varied a great deal based on the number of requests and types of records a given component handles. For example, some of the Department's components that receive small numbers of requests estimated receiving fewer than 50 requests for assistance per year, with some reporting receiving none. In contrast, the FBI negotiated the scope of 915 requests and resolved 130 disputes with requesters.

Components that received inquiries from the public reported that their FOIA Public Liaisons played a significant role in keeping requesters informed and answering their questions. Requesters' inquiries ranged from issues specifically about an individual's request to general information about how the FOIA works and what records the component maintains. Inquiries directed to the FOIA Public Liaison represent only a fraction of requester interactions with the Department's components. Many more inquiries are also made to the components' FOIA Requester Service Centers or directly to the FOIA professional handling any given request.

[3] 5 U.S.C. § 552(l).

Other Initiatives

Allocation of FOIA Personnel Resources Required to Meet FOIA Demand

During the reporting period, components reviewed their FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands and to improve recruitment and retention of qualified FOIA professionals. Several components hired or are in the process of hiring additional FOIA staff to support their programs and address backlogs. CRT conducted a series of desk audits which resulted in the alignment of managers and GIS compensation with other agencies.

ATF is constantly evaluating allocation of personnel resources needed to respond to current and anticipated FOIA demands. In FY 2024, due to resource constraints, the office re-evaluated the current structure of its FOIA program, Information and Privacy Governance Division (IPGD), and determined that a change in organizational structure and workflow was warranted. As a result, IPGD is reorganizing in FY 2025. IPGD will be implementing a more streamlined approach for supervisory reports and will implement a workflow change whereby each staff member will work on a request from intake through final processing. The change in workflow is anticipated to allow IPGD to incorporate additional metrics to more accurately track individual requests. The new approach will reduce inefficiencies.

ENRD adjusted personnel resources by reallocating day-to-day processing responsibilities to other staff and training new staff following departures. ENRD's FOIA team also received contract support for handling the beginning stages of the FOIA process. These changes are anticipated to allow specialized professionals more time to focus on complex requests. This reallocation of staffing resources, along with continued utilization of new technology, enabled ENRD to manage its significant influx of new requests in FY 2024.

FOIA Data and Processing Metrics

The Department uses a range of data and processing metrics to ensure efficient management of its FOIA workload. OIP's Component Improvement Initiative (CII) conducted an annual in-depth review of the Department's FOIA processes, FOIA data, best practices, and challenges. As discussed in detail in Section V below, the CII team worked closely with several components to follow-up on previously developed backlog reduction plans. OIP's CII team also worked with the Office of the Chief Information Officer (OCIO) to complete the development of a Power BI dashboard for DOJ FOIA Data. This FOIA Data Dashboard automates the aggregation and visualization of data that the CII team uses to provide data analysis to components. The dashboard was launched in November 2024. It is available to all DOJ components and will enable them to assess their FOIA programs over time, in particular against metrics included in OIP's Assessments of Agency Chief FOIA Officer Reports, and to compare their performance to other components.

The Department's components also rely on data to track overall performance, workload, and to identify areas for improvement and best practices. For instance, CRM's FOIA/PA Unit uses its tracking system to manage the assignment of incoming FOIA requests to its staff, including litigation

assignments. The tracking system allows the unit to enter information regarding total pages and pages processed, but the system is not able to generate a report per staff member based on this data. Unit management continues to evaluate whether the page metrics would be helpful in effectively distributing the workload and to assess productivity by pages processed regularly, i.e., weekly, bi-weekly, monthly, etc. CRM also analyze weekly and bi-weekly reports submitted by Unit staff to track the progress of assigned administrative requests and litigation matters and to ensure that the most effective and efficient methods are implemented for the timeliest processing outcomes.

Similarly, ENRD's FOIA tracker tool is used almost daily to update and analyze the progress on each FOIA request. ENRD recently integrated software that retrieves data from the FOIA tracker to help track daily notes accessible to all FOIA Team members and inform the weekly ENRD FOIA Team meetings. ENRD holds weekly meetings devoted to addressing a subset of the complex and ten oldest pending FOIA requests, finding this focused meeting helpful in managing and closing the ten oldest requests.

Several components reported using productivity metrics to adjust staff workload and hiring needs. For instance, ENRD's tracker can generate reports based off the entire database and individual cases to assess the volume of records associated with pending requests. This information helped ENRD show a need for additional contractor support to assist with processing backlogged requests.

BOP's FOIA Unit regularly evaluates metrics such as the number of requests processed and received per FOIA professional, average processing time, and the status of BOP's ten oldest requests. The supervisory attorney regularly runs various reports, including draft annual reports, lists of oldest requests, lists of requests assigned to each FOIA staff member, and status of requests, and prioritizes efforts based on these findings. These metrics help the FOIA Unit determine how to best manage the FOIA workload.

EOUST's FOIA professionals meet regularly to track requests and response times and compare current statistics to those of the prior year. EOUST maintains case data in a database that is continuously tracked and assessed. In addition, EOUST's FOIA Counsel sends a weekly FOIA case report to EOUST-OGC leadership detailing the number of requests received and processed for the week prior. EOUST-OGC leadership regularly reviews the relevant tracking information to ensure accountability by FOIA professionals and to provide additional support as needed.

OIP's Appeals Team continues to consult reports drawn from its case management system to examine monthly trends including appeals received, reviewed, closed, backlogged, and pending. These metrics enable the Appeals Team to evaluate productivity, the status of all the pending appeals, and progress in meeting annual team and individual attorney productivity goals.

Federal FOIA Advisory Committee

The federal FOIA Advisory Committee was created to foster dialogue between agencies and the requester community, solicit public comments, and develop recommendations for improving FOIA administration. The committee is comprised of agency representatives and members of the public. OIP's Director serves on the committee and OIP has acted on several pending recommendations

(summaries of actions taken can be found on the FOIA Advisory Committee Recommendations Dashboard). Most of the Department's components have reviewed the recommendations issued by the committee and a number have implemented some of those recommendations.

- BOP implemented 2022-07 and 2020-12, proactively posting information beyond what is required by law; 2020-08, created FOIA SOPs; and 2020-14, permitting attorneys representing inmates to request and receive their client's medical records outside of FOIA.
- CRS is in the process of updating its website in line with recommendation 2022-07 and reviewing its FOIA programs considering information from the NexGen FOIA Tech Showcase, related to 2020-11.
- CRM offers requesters the opportunity to discuss their requests, as addressed in 2024-02. In addition, CRM is working to implement the following recommendations: 1) issue interim responses consisting of a small sample of documents found as the result of searches conducted, while other documents continue to be reviewed for disclosure; 2) update its FOIA Library by posting responses and certain information beyond what is required by law; and 3) regularly post searchable FOIA logs.
- OLC has implemented, or found helpful, recommendations 2020-11 (addressing e-discovery tools), 2020-15 (disseminating information outside of FOIA), 2022-07 (posting additional FOIA information online), and 2024-02 (proactively offering requesters opportunities to discuss their requests).

Various other components have followed recommendations that have been implemented by OIP or for which OIP has issued guidance or resources. OIP has completed work on several recommendations:

- 2020-05: The Associate Attorney General issued a memorandum to agency General Counsels and Chief FOIA Officers highlighting three e-Learning FOIA training modules for the federal workforce: executives, federal employees whose primary responsibility is not FOIA, and FOIA professionals.
- 2020-06: OIP developed FOIA briefings for incoming senior leaders.
- 2020-07: OIP asked agencies to report on steps to integrate FOIA into their agency missions, such as by incorporating FOIA-related goals into strategic plans, as part of their Chief FOIA Officer Reports.
- 2020-08: OIP collected information as part of Chief FOIA Officer Reports regarding standard operating procedures for FOIA processing.
- 2020-10: OIP's Director is an ex officio member of the Chief Data Officers Council and works to help Council officials understand the importance of FOIA requirements.
- 2020-14: OIP has asked agencies to consider alternative, more efficient ways for requesters to access records about themselves and to collect information about these efforts as part of the Chief FOIA Officer Report.
- 2022-11: The DOJ FOIA Guidelines encourage agencies to examine whether they have records they could make more readily accessible without requiring individuals to file FOIA

requests. Additionally, agencies report in their Chief FOIA Officer Reports on whether they have explored alternative means of access to first-person information.

- 2024-04: OIP issued guidance to all Chief FOIA Officers outlining the role of the Chief FOIA Officer in providing training to agency staff, including non-FOIA professionals.
- 2024-14: OIP included questions in the 2025 Chief FOIA Officer Report Guidelines asking agencies to report on activities that they have implemented consistent with FOIA Advisory Committee recommendations.

Other Initiatives to Ensure Fair and Effective FOIA Administration

As noted above, OIP's Director co-chairs the Chief FOIA Officers Council (CFOC). OIP staff members also served on several CFOC Working Groups. OIP staff served on the CFOC Technology Committee Data Working Group, which conducted informational interviews with agency FOIA staff who use data to identify best practices and recommendations on the use of FOIA data for program management and reporting, processing data sets, and collaboration between agency Chief Data Officers and Chief FOIA Officers.

OIP also leads a multi-agency working group in the development of FOIA Business Standards as part of the Federal Integrated Business Framework. The FOIA Business Standards provide specifications for common services in FOIA such as the technical requirements for FOIA case management systems. During 2024, the FOIA Business Standards draft was published in the Federal Register for public comment. The draft is pending final review and publication, which will fulfill the related commitment included in the government's Fifth Open Government National Action Plan. Once published, OIP will reconvene the working group to continue developing additional elements of the standards.

Section III: Proactive Disclosures

In line with the DOJ FOIA Guidelines, which note that agencies should strive to post more records online "quickly and systematically," the Department has made significant efforts to ensure a wide variety of records are proactively posted online without waiting for individual requests to be received.

Steps Taken to Identify, Track, and Post (a)(2) Proactive Disclosures

The FOIA requires agencies to proactively release certain information in the Federal Register and post on their websites certain operational and "frequently requested" records that have been requested and released three or more times. *See* 5 U.S.C. § 552(a)(1)-(2). Components described a range of methods to identify records for proactive disclosure. Components that do not receive a large volume of requests often rely on staff knowledge to identify records for posting. Other components review FOIA logs or have tracking as part of their case management systems. For FY 2025, ATF plans to use its new platform's functionality by configuring alert notifications when a specific request topic is received three or more times. CRT hosts websites dedicated to specific subject matters that contain frequently requested materials such as the "Cold Cases" under the Criminal Section which highlights important civil rights cases in the 1950's and 1960's, and various civil rights issues and pleadings in significant litigation from the various components.

Posting Records and FOIA Logs

Material Proactively Disclosed

Every Department component maintains a FOIA Library on its website to centralize, organize, and publicize proactive disclosures made in connection with their FOIA administration. Components also frequently post material elsewhere on their websites where it would best serve the communities most interested in the material. A wealth of FOIA-related information was added this past year to the Department's website. Examples of these new postings are summarized below.

Through its blog, *FOIA Post*, OIP continued to inform both agencies and the public of new developments and upcoming events concerning the FOIA. In addition, OIP continued to post monthly FOIA logs for requests made to OIP and the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Legislative Affairs, Public Affairs, and Legal Policy. OIP posted updated *Department of Justice Guide to the Freedom of Information Act* chapters relating to Exemptions 3, 7, 7(B), and Exclusions.

OIP posted the following guidance articles to agencies on the implementation of the FOIA:

- Guidelines for 2025 Chief FOIA Officer Reports (October 15, 2024)
- OIP Guidance for Further Improvement Based on 2024 Chief FOIA Officer Report Review and Assessment (October 15, 2024)
- Department of Justice Handbook for Agency Annual Freedom of Information Act Reports (September 9, 2024)

OIP also posted the following sample of records in its FOIA Library:

- Implementation of Attorney General Merrick Garland's December 16, 2022, Charging and Sentencing Memorandum [Posted December 18, 2024]
    - Final Response (February 10, 2023)
- Records Concerning *Electronic Frontier Foundation v. OMB*, and Other Records Concerning 47 U.S.C. Section 230 [Posted December 13, 2024]
    - Interim Response (April 27, 2020 - May 29, 2020)
- Records Concerning Three Surveillance Laws and Department's Response to a July 21, 2021, Congressional Letter [Posted December 11, 2024]
    - Interim Response (November 25, 2005 - June 6, 2013)

Finally, OIP continued to update both its website and FOIA.gov with new data and resources on the FOIA. For example, OIP continued to update the public with summaries of new FOIA decisions, FOIA training material, FOIA Best Practices, all FOIA Reports, and resources on Exemption 3 statutes.

Examples of other proactive disclosure efforts by components include:

- ATR proactively disclosed press releases, speeches, trial exhibits and materials for Google matters, case filings, trial and hearing calendars, and social media updates.
    - Industries Studies
    - Investigations: Frito-Lay

- Redacted Leniency Letters
- Antitrust Division Criminal Discovery Policy Memo (March 31, 2010)
- Antitrust Enforcement Guidelines for International Operations (April 5, 1995)
- Antitrust Guidelines for Collaborations Among Competitors (April 2000)

- ATF continues to proactively disclose the listing of all active Federal Firearms Licensees on a monthly basis, Volume II of the National Firearms Commerce and Trafficking Assessment (NFCTA), and the Firearms Trace Data.
- BOP proactively disclosed Program Statements, Operations Memorandums, and Change Notices, Key Statistics, Clinical Practice Guidelines, and PREA Reports, Institution Visiting Regulations, Institution Admission & Orientation (A&O) Handbooks, and Institution Commissary
- CRM proactively disclosed the following records:
  - DAG letter to USSC (December 2024)
  - Department of Justice's Comments on Proposed Guideline Amendments (2024)
  - DOJ retroactivity letter (2024)
  - Annual Report to the U.S. Sentencing Commission (2024)
  - 2022 News Media Report
  - Evaluation of Corporate Compliance Programs (September 2024)
- CRT proactively disclosed Cold Case material.
- DEA proactively disclosed Automated Reports and Consolidated Ordering System (ARCOS) Reports 2006 to present, STRIDE Data and Theft and Loss Data
- ENRD posted a total of 134 records comprised of ENRD's latest Annual Accomplishments Report, five speeches, 34 bulletins from ENRD's Environmental Crimes Section, 85 Press Releases, three videos, and six blogs. Lodged consent decrees are also publicly posted during the public comment period.
- EOUSA proactively disclosed its Annual Statistical Report, which contains statistical tables displaying both national and district caseload data as well as national caseload data in response to monthly requests under the Freedom of Information and Privacy Acts. EOUSA also maintained the Justice Manual (previously the United States Attorneys' Manual) and Public USAO Criminal Discovery Policies.
- EOUST posted the latest USTP's Positions on Select SBRA Legal Issues. Additional examples of the Program's proactive disclosures include:
  - Public Report: Debtor Audits by the United States Trustee Program, Fiscal Year 2023
  - U.S. Trustee Program Warns Consumers of Bankruptcy Fraud Alert Scam and Updated Census Bureau Median Income Data (November 13, 2024)
  - Status of 11 U.S.C. § 330(e) Payments for Fiscal Year 2024 (November 5, 2024)
  - USTP Marijuana Enforcement Actions by District and Chapter for Quarter 4 (July - September 2024) of FY 2024.
- FBI manages a robust FOIA Library through its site, "The Vault." The Vault contains over 6,700 documents and other media. Below is a sampling of some new items available in the Vault:
  - Prepublication Review Policy Guide (1065PG)
  - FOIA Log 2000-2016

    - Integrity and Compliance Program Policy Guide (0814PG)
    - Environmental, Safety, and Health Programs Implementation Framework Policy Directive (1140D)
    - National Security Branch Statement of Authorities and Responsibilities (1025D)
    - Use of Force DATA - Privacy Impact Assessment
    - FACE - Privacy Impact Assessment
- JMD proactively disclosed the following records:
    - 2025 Budget and Performance Summary
    - 2025 Budget Fact Sheets
    - 2025 Congressional Budget Submissions
    - Asset Forfeiture Management Staff (AFMS) Web Sites Program Site
    - Consolidated Asset Tracking System (CATS) Database Site
- OLC proactively disclosed the following records:
    - OLC's Classified Daybooks, 1974 - June, 2022
    - November 14, 2024: Application of the Randolph-Sheppard Act to the United States Mint (September 9, 2024)
    - Allocation of Settlement Proceeds to the National Credit Union Administration (June 27, 2024)
    - Applicability of the Federal Credit Reform Act to Political Risk Insurance of Debt Issued by the United States International Development Finance Corporation (May 29, 2024)
    - Whether the United States Postal Service Bears Responsibility for the Cost of Certain Civil Service Retirement Benefits Paid to Its Employees (March 26, 2024)
    - Treasury's Cash Balance and the August 1, 2021 Debt Limit (July 8, 2021)
- OIG proactively disclosed the following reports:
    - Semiannual Report to Congress April 1, 2024–September 30, 2024
    - Evaluation of Issues Surrounding Inmate Deaths in Federal Bureau of Prisons Institutions
- OPR posted significant investigative reports and investigative summaries.

Numerous components also reported that they post logs of their FOIA requests including: DEA, EOIR, EOUST, FBI, BOP, ATJ, OIP, OPR, OIG, PARDON, OCDETF, TAX, and USNCB. Components post a range of information in their FOIA logs such as the received date, closure date, disposition, request description or subject, exemption(s) cited, component sub-office or unit, and request tracking number.

Making Posted Information More Useful to the Public

The Department has also continued to work to find ways to make information posted online more useful to the public, especially for communities of individuals who regularly access the agency's website. Components took various steps to make information more user-friendly. For instance, EOUST posts material on the United States Trustee Program's website with a view to what format would be most useful to individuals who regularly access the website.

PARDON and OLC overhauled their FOIA Libraries utilizing the new Justice.gov format to provide additional features and functionality. OIP is in the early stages of developing new functionality to more effectively organize its FOIA Library and Guidance content. The new functionality will provide easier searchability of voluminous content.

Steps Taken to Post Information in Open, Machine-Readable, and Machine-Actionable Formats

According to the DOJ FOIA Guidelines "agency FOIA websites should be easily navigable, and records should be presented in the most useful, searchable, and open formats possible." The Department continued to make posted information available in open formats.

Several components posted records in machine-readable and machine-actionable formats. For instance, ATR continues to maintain a well-organized repository of documents on its website. ATR's publicly posted documents can be text-searched, filtered, and sorted. ATR also submits its machine-readable and machine-actionable postings to Data.gov.

DEA's Chief Data Officer and FOIA Officer have discussed ensuring the most frequently requested datasets are posted in open, machine-readable formats to the extent possible. The datasets will be posted on the Data and Statistics webpage and linked to the FOIA Library.

OIP posts all Annual FOIA Report data in open formats on FOIA.gov. In addition, the Department provides metadata to Data.gov about the data available on FOIA.gov so that Data.gov users can easily locate the FOIA data.

Collaboration with Agency Staff Outside of the FOIA Offices

To identify and post proactive disclosures, FOIA offices collaborate with a wide range of agency staff outside of the FOIA office. Component leadership, Information Technology (IT) departments, public affairs offices, and subject matter experts are often consulted when identifying and preparing proactive disclosures for posting. For example, CRM's FOIA/PA Unit and Sections identify information that can be posted on the Criminal Division website and rely on IT personnel to post the information. Various divisions in BOP, including the Information, Technology and Data Division, the Health Services Division, the Re-Entry Services Division, and the Correctional Programs Review Division, regularly post records of public interest. Examples of information proactively posted include records related to Clinical Practice Guidelines and the Prison Rape Elimination Act.

Best Practices and Challenges Related to Proactive Disclosures

In line with the Department's commitment to transparency, components employ best practices to ensure information of interest to the public is proactively disclosed on the agency's website and to mitigate challenges that arise in this area.

While the Department strives to proactively post as much information on its websites as possible, there are sometimes challenges that can make such posting difficult. Several components identified staffing and funding limitations as challenges to ensuring records are promptly posted to FOIA

libraries and that postings are compliant with Section 508 of the Rehabilitation Act. The ever-increasing amount of FOIA content can also pose challenges, which components are aiming to address through increased use of filtering and keyword searching capabilities.

Section IV: Steps Taken to Greater Utilize Technology

Technology is essential to implementing an effective and efficient FOIA administration. The Department is continually evaluating its use of current technologies and exploring cutting-edge technologies that can address current and anticipated challenges in processing FOIA requests.

FOIA-Related Technological Capabilities Required to Meet FOIA Demand

After evaluating their FOIA technology needs during the reporting period, several components acquired and began using new FOIA technologies to assist with case management, e-discovery, and request processing. For example, ATF, ENRD, and USPC obtained new case management systems to track requests and facilitate compilation of data for the Annual FOIA Report. CRM and NSD began using new e-discovery platforms during the reporting period. ENRD has started using a web-based portal system to run datapoints for the annual reporting

Exploring New FOIA Technologies

The Department is continually exploring new technologies to meet the demand of increasingly complex and voluminous requests. The Department also collaborates with other agencies to share information about available technology for FOIA. OIP continued its work to enhance the Search Tool on FOIA.gov (launched in 2023) that uses machine-learning to search for previously released FOIA records and to identify appropriate agencies for new FOIA requests. Specifically, the tool is now capable of more frequently ingesting new data from agencies and recently gained improved search capabilities that leverage advancements in artificial intelligence encoding models to deliver more accurate and precise results.

ENRD continues piloting the use of a new document management review and coding tool. ENRD FOIA professionals are currently analyzing its effectiveness for certain types of requests compared to the current program, which remains ENRD's primary FOIA document management platform.

The DEA FOIA/PA Unit has requested technological resources to expedite the initial review of large volumes of emails and attachments responsive to FOIA/PA requests. During FY 2024, DEA's FOIA Officer continued to partner with the Chief of DEA's Digital Evidence Laboratory's e-Discovery Unit to establish a workflow to expedite the initial review and organization of hundreds, and sometimes thousands, of email records and attachments.

OLC continues to develop a new tool for tracking new and historical FOIA requests. The intent is for this tool to allow for direct data transfer into the FOIA Annual Report, which currently is not possible and requires manual entry and formatting.

OPR is in the process of onboarding a new case/document management system to track FOIA requests from start-to-finish, send important deadline date notifications through custom dashboarding, and store and graphically present reporting data used in the processing of FOIA requests in a more user-friendly, up-to-date, state-of-the-art way, which in turn will improve our efficiency in conducting all FOIA matters.

Leveraging Technology to Automate Record Processing and Facilitate Efficiency

The Department is comprised of numerous components, some of which receive less than 100 requests and others that receive tens of thousands of requests annually. Technology required to automate record processing differs based on the size of the component and the types of records the component maintains. Smaller components that receive fewer than 100 requests generally do not use automated request tracking and processing tools because the cost is prohibitive given the small number of requests they receive. Instead, basic technology solutions are used, such as Excel or Access databases for request tracking and Adobe for processing records.

Components with larger request volumes often use automated case management systems and more advanced processing tools to conduct searches or make redactions, such as machine-learning, predictive coding, or technology assisted review. For instance, ATF's platform uses an array of AI tools and machine learning to augment processing capabilities. The platform can quickly find and apply common redactions and recommend redactions after exposure to numerous documents or based on previous redactions. As the system acquires more information, the machine learning efficiencies will also improve. The new platform will also locate personally identifiable information (PII) and automate removal across all responsive records. The technology has dramatically improved ATF's ability to manage the work effectively and expeditiously process records for release.

ATR plans to procure a new product that will have machine learning, predictive coding, and technology assisted review capabilities in 2025.

EOIR implemented a program connector to facilitate the ingestion of unpublished Board of Immigration Appeals decisions, including their metadata. This connector replaces hours of work that would otherwise be done manually, including downloading the document, removing extraneous pages, creating a folder, uploading the document, and typing all relevant metadata into their respective fields. This technical solution resulted in an 82.5% reduction in the duration of processing and an 81.8% reduction in the level of effort in staff hours.

EOUST uses batch coding to redact items such as repetitive cell phone numbers. This automated process saves time and resources. EOUST continues to research and pilot software that can batch redact on a much larger scale than its current software.

BOP and USMS leveraged video and audio redaction tools to improve accuracy and timely review of video and audio files. BOP recently acquired software that permits staff to redact video and audio transcripts. However, even with the software, redacting videos is extremely time-consuming. USMS's FOIA Unit uses a new technology to process body-worn camera footage. The tool is designed

to auto-redact certain features in the footage, such as faces, but videos must still be reviewed frame-by-frame to confirm all redactions are appropriately asserted.

TAX's FOIA office continues to modify the way it uses existing technology and personnel to increase the adequacy of searches. TAX has an Automated Litigation Support Unit, which sets up and trains litigation and FOIA processing personnel on a variety of tools that facilitate review and organization of records, and deduplication of identical or substantially similar email chains. TAX's FOIA Office expanded the use of its e-discovery tools for medium sized requests.

FOIA Websites Contain Essential FOIA Resources and Information

The DOJ FOIA Guidelines provide that "agency FOIA websites should be easily navigable." OIP issued guidance in 2017 on the content and style of agency FOIA websites, which detailed key information and resources that should be made available on every FOIA website as well as some additional considerations. Examples of such considerations included adopting consistent styling, using plain language, regularly reviewing for accuracy, updating links, and collaborating to identify areas for improvement. Agencies were encouraged to regularly review their websites based on this guidance to ensure that they contain essential resources, and that they are informative and user-friendly. The Department's components have each reviewed their websites in accordance with the guidance. During the reporting period, OIP also conducted an independent review of components' FOIA websites as part of CII. OIP will once again review these sites as part of the CII this upcoming year.

Quarterly FOIA Reports Appear on FOIA.gov

The Department posted all of the required quarterly FOIA reports for FY 2024 in FOIA.gov. The reports cover four key statistics: the numbers of requests received, processed, and backlogged for each quarter of the fiscal year, as well as the status of the agency's ten oldest pending requests. The Department's quarterly reports are accessible to the public, appearing on the FOIA.gov Quarterly FOIA Report data page.

Raw Data from the Fiscal Year 2023 Annual Report

In accordance with 5 U.S.C. § 552(e)(3), OIP consolidated all of the Department's raw data from its FY 2023 Annual FOIA Report and posted it alongside PDF and XML versions of the final report.

Compliance with the Interoperability Requirements

The Department also achieved interoperability with the National FOIA Portal in accordance with the joint guidance establishing interoperability standards that was issued by the Department and OMB. The *FOIA Improvement Act of 2016* required the creation of a central, online request portal that allows a member of the public to submit a request for records under the FOIA to any Federal agency from a single website. The joint guidance explains that agencies can achieve interoperability with the Portal in one of two ways. Agencies can accept FOIA requests directly to their current case management platforms via a structured Application Programing Interface (API). Agencies that do not

use automated case management systems can accept FOIA requests via a formal, structured e-mail to a designated e-mail inbox. The guidance further explains that agencies with automated case management systems are required to achieve full interoperability with the National FOIA Portal by accepting requests through a structured API. All of the Department's components are linked to FOIA.gov where they are able to receive requests through either the API or by e-mail.

Best Practices and Challenges in the Use of FOIA Technology

One of the benefits of the Department's decentralized system for processing FOIA requests is that it allows each of the Department's many components to use operating procedures and techniques suitable to that component. Several components found that e-discovery tools were helpful in their processing workloads as opposed to other typical FOIA software. For instance, ATF found that e-discovery tools were better equipped to handle large amounts of records compared to common FOIA request management tools. ATF also learned that having its own cloud has allowed the unit to maximize the considerable power of cloud computing capabilities and machine learning. ENRD also found e-discovery to be advantageous as it facilitates effective and efficient review, ensures consistent disclosures, and improves response time.

Components identified several challenges, including deduplication of email chains, and identification of technologies that meet multiple requirements unique to certain FOIA offices. For example, BOP has highlighted that even when using de-threading software, the unit still encounters voluminous amounts of duplicated emails, which causes BOP to spend immeasurable hours searching for duplicate records and/or processing the same records multiple times. Many components, particularly those that post high volumes of records, also identified challenges related to finding tools that enable FOIA programs to quickly and efficiently bring large volumes of records into compliance with Section 508 of the Rehabilitation Act.

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

As indicated in the DOJ FOIA Guidelines, "[e]ach agency should actively work with requesters to remove barriers to access and to help requesters understand the FOIA process and the nature and scope of the records the agency maintains. Agencies should also ensure that they promptly communicate with requesters about their FOIA requests." In accordance with the FOIA Guidelines and OIP's Guidance, the Department continues to work with FOIA requesters in "a spirit of cooperation."

The data referenced in this section of the Report comes from the Department's FY 2024 Annual FOIA Report. During FY 2024, the Department processed a record 157,180 requests, and successfully closed all the ten oldest requests, appeals, and consultations from FY 2023.

Removing Barriers to Access

First-Party Requests

Some components frequently receive first-party requests. The types of first-party requests include those seeking information about litigation, settlement or confidentiality agreements, criminal or prison records, personnel, investigative, medical, and bankruptcy files. Several components have established alternative means of access to these records outside of the FOIA process. For instance, within CIV, where claimants have a claim portal, some records related to their claim are available through the portal, obviating the need to submit a FOIA or Privacy Act request.

BOP expanded its policy to permit attorneys to receive the complete medical records for both current and former inmates outside of FOIA and in an expedited manner. Attorneys normally receive records within 3 business days.

EOIR implemented a customer service initiative in which the respondent and the representative may obtain records of proceedings (ROPs) directly through the Immigration Courts and the Board of Immigration Appeals. An attorney who enters an appearance with the Immigration Court and the Board of Immigration Appeals may also schedule an in-person review of ROPs. Additionally, as of February 2022, newly filed EOIR Immigration Court records are accessible to the respondent's attorney using ECAS, an online portal that allows the attorney of record to access a PDF of the court filings for non-citizens currently in Immigration Court proceedings. Attorneys and non-citizens can obtain basic case status information using either a 1-800 toll free number or EOIR's website using EOIR's Automated Case Information System.

ATF, BOP, DEA, and FBI do not currently have alternative means of access, but have begun investigating such programs.

Timeliness

Expedited Processing

The FOIA requires that agencies establish procedures in their regulations that provide "for expedited processing of requests" in certain circumstances. 5 U.S.C. § 552(a)(6)(E)(i) (2018). Specifically, the FOIA directs agencies to afford expedited processing whenever the requester demonstrates a "compelling need," or "in other cases determined by the agency." Id. § 552(a)(6)(E)(i)(I), (II).

For FY 2024, the Department reported an average of 12.73 days to adjudicate requests for expedited processing, reducing the average processing time by nearly half compared with FY 2023. Nineteen of the Department's components adjudicated requests for expedited processing within an average of ten days or had no requests for expedited processing to adjudicate. The remaining components provided plans for reducing the average adjudication times for expedited processing requests. Some examples of these plans are listed below and include adjusting processing procedures and staffing structures or providing specialized training.

CIV and USMS hired additional staff during the fiscal year, allowing the components to increase attention and effort to the intake process and a continued trend towards the target of 10 days to adjudicate requests for expedition. Similarly, OJP has a dedicated staff to process all incoming requests to increase efficiency. CRM and OLC outlined delays in some expedited cases for FY 2024 that required coordination with other Department components before a determination could be made.

During FY 2024, the DEA FOIA/PA Unit's management team continued to identify that the process to adjudicate requests for expedition required improvement. DEA continues to use a specific queue to quickly identify requests for expedited treatment. One Unit Chief closely manages this queue to ensure that requests are adjudicated within ten calendar days. The Unit Chief also receives a weekly report on incoming requests for expedited processing. This report has helped the FOIA/PA Unit ensure requests for expedited processing are adjudicated timelier than in the past.

Simple Track

The Department uses multi-track processing to manage its FOIA administration. The Department's overall average number of days for processing simple track requests during FY 2024 was 72.24 days. This was a decrease from FY 2023. Notably, nineteen of the Department's components processed their simple requests in an average of twenty days or less. Approximately 65.62% of the requests processed by the Department in FY 2024 were categorized as simple requests.

Backlogged Requests

The Department's overall request backlog decreased from 43,927 to 21,567; even as the Department received more requests in FY 2024 than in FY 2023. This reduction is primarily due to EOIR's reduction of their backlog from 21,623 in FY 2023 to 1,521 in FY 2024. The Department responded to 157,180 FOIA requests in FY 2024. Thirty of the Department's components processed more requests in FY 2024 than in FY 2023. The Department's request backlog amounted to 16.27% of the total number of requests received in FY 2024, the lowest backlog since FY 2018. In addition to the Department's overall backlog decrease, thirty components either maintained a zero backlog, reduced their backlogs, or had a modest increase of less than one hundred requests. Figure 3, below, shows the agency overall backlog reduction along with the top five components for the past three years.

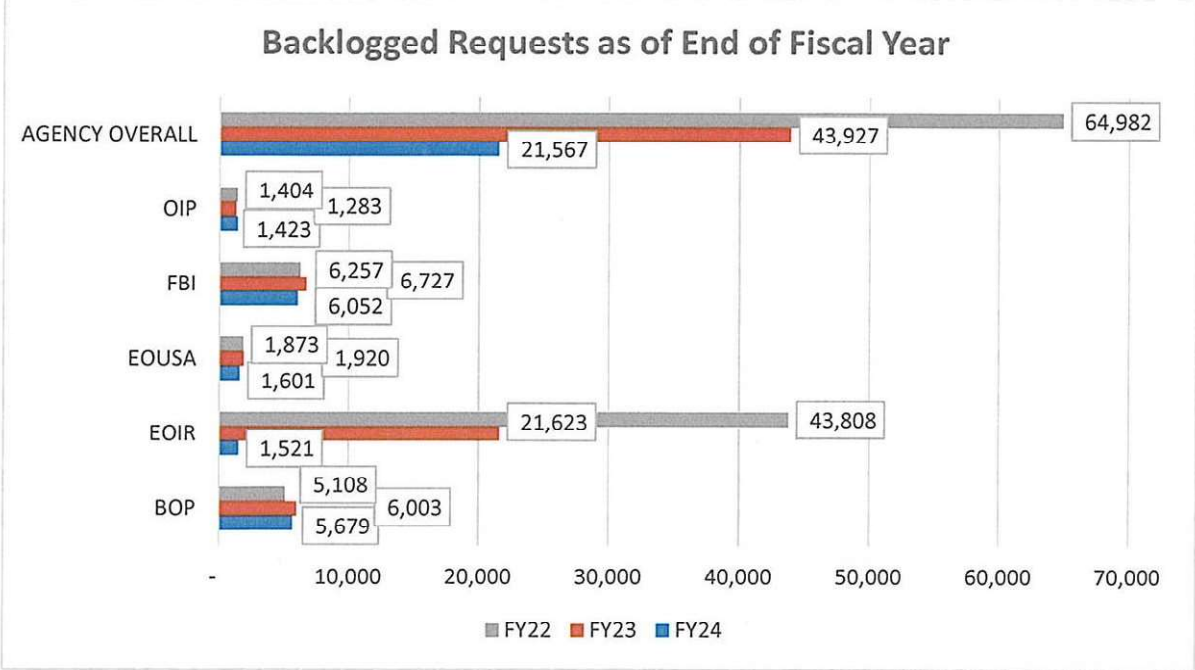

Figure 4: Agency overall and top five offices with the highest backlogs.

Backlog Reduction Plans

The 2024 Guidelines for Agency Chief FOIA Officer Reports asked any agency with a backlog of over 1,000 requests in FY 2023 to provide a plan for achieving backlog reduction in the year ahead. The Department implemented the plan described in last year's Report. Building on past efforts through the CII, OIP worked closely with Department components to identify areas of improvement with a focus on backlog reduction, track management, and improving efficiencies. Many components implemented individualized backlog reduction plans, which included focus on one or more of these four strategies: hiring personnel, maximizing the use of technology, improving processes, and providing targeted training.

Many components experienced an increase in the number and complexity of requests and an increase in litigation. For instance, OLC identified three factors contributing to the difficulties OLC has had in closing its oldest requests, including: the requests are extraordinarily complex; the requests involve elaborate, nuanced keyword searches and separate date-ranges for multiple parts of the request; or they require the processing of high volumes of records, lengthy consultations with multiple entities, coordination with litigators, and searches and processing of classified documents.

BOP implemented a comprehensive plan to reduce its backlog. First, the FOIA supervisory attorney created a master list of all pending FOIA requests. A review of the list led to approximately 2,000 requests considered to be part of a targeted backlog reduction plan. These requests were assigned to specific FOIA professionals with guidance on what needed to be done to close them. Second, BOP added database queues to help prioritize work and better ensure reviews were done in a timely manner. Third, BOP began focusing on litigation related work at the beginning of the month. This permitted more people to work on FOIA requests in the administrative stage at the same time.

Fourth, BOP streamlined its process of acknowledging requests. Fifth, BOP began sending narrowing letters to requesters, listing multiple types of records that could be provided within 20 business days if the requester narrowed their request. As a result, BOP reduced its backlog in FY 2024 by 5.4% and processed 49.7% more requests in FY 2024 than in FY 2023.

FBI continues to receive increasingly complex, multi-pronged, and voluminous requests pertaining to national security, pending investigations, and sensitive FBI equities. These requests require increased time and coordination with internal and external stakeholders, and multiple layers of review. Furthermore, FBI has seen an influx in requests requiring extensive and complex searches, extending to thousands of searches for cross-reference records—records that relate to a subject, but are not directly about the subject. FBI implemented a multi-pronged backlog reduction strategy, including short and long-term plans. These include streamlining workflows, realigning resources, establishing specialized teams, utilizing remote site processing offices, expanding contractor staff, automating work processes, and requesting an FY 2024 budget enhancement to further increase staffing. In FY 2024, the FBI reduced the FOIA backlog by approximately 7%, 2,165 cases, and 1.2 million pages.

CRT instituted a comprehensive backlog reduction plan which involved substantial process changes, shuffling of personnel, and leveraging technology to a greater extent. However, early progress made toward backlog reduction was later overwhelmed by high volumes of requests.

Despite OLC's best efforts to reach narrowing agreements with requesters, requests in OLC's backlog are consistently more complex in several ways but court-ordered partial and rolling productions were the primary obstacles to decreasing OLC's backlog. For FY 2025, OLC is implementing a more aggressive backlog reduction plan, which includes adding a new processing track, methodically seeking to narrow or withdraw backlogged requests, and combining search efforts for related requests.

Other components found that their main challenge is maintaining or increasing staffing levels. CRS, EOIR, and EOUST directly point to increase in staffing levels allowing the components to more readily tackle the backlog.

DEA took several steps to address its staffing needs and reduce its FOIA backlog. DEA awarded a contract for 12 FOIA Analysts and introduced a requirement that staff must have three to five years of prior experience. Additionally, FOIA/PA Unit staff met with DEA leadership to discuss the need for additional senior staff positions and an additional team to support FOIA operations. DEA also plans to conduct trainings and pair newcomers with experienced staff to facilitate learning, along with cross-training current staff to assist other Sub-Units.

ATF has reduced its backlog to the lowest point since 2013. ATF's strategy involves three key elements. First, technology: ATF's FOIA program recently procured a new request management platform which will dramatically increase efficiency. Second, process improvement: ATF is currently transitioning to a processing approach under which the Division's staff will handle requests from start to finish. The new workflow will foster collaboration and accountability on an individual level and ensure Division staff continues to develop and diversify their skill sets. Finally, collaboration with requesters and ATF Directorates: ATF continues to stress the importance of collaborating with

Directorate contacts to address inefficiencies within the search process. While ATF has increased outreach to requesters, the component is further considering standing up a negotiation team to continuously reach out for requests deemed candidates for narrowing.

Backlogged Appeals

The Department received 2,577 administrative FOIA appeals in FY 2024 and adjudicated 2,479 appeals. For the fifth year in a row, the Department was able to achieve a reduction in its backlog of appeals, this year from 240 to 211 appeals. This represented just 8.19% of the total number of appeals the Department received in FY 2024. At the end of FY 2024, the oldest appeal pending at OIP was from January 2024.

Reducing the Age of the Ten Oldest Requests, Appeals, and Consultations

In addition to focusing on reducing the number of requests in an agency's backlog, OIP has issued guidance stressing the importance of agencies reducing the age of their backlogs by closing their ten oldest requests, appeals and consultations. The Department successfully closed its ten oldest pending requests, appeals, and consultations from FY 2023.

Beyond working to close the ten oldest requests, appeals, and consultations, the Department has also taken a proactive approach to reducing the overall age of requests at the Department. For instance, in FY 2024, OIP closed 162 of its 400 oldest requests.

FOIA Litigation

The Department has experienced a steady increase in FOIA litigation in recent years. During the reporting period, the Department had approximately 1,421 FOIA cases in litigation. The nature of the requests in litigation are often complex and/or involve voluminous records. Components cited the most common basis for litigation to be constructive exhaustion, challenges to withholdings, and denials of expedition. In addition to litigation itself, components also reported that they have referrals and consultations of records for review from components and other agencies involved in litigation.

Nearly every component involved in litigation reported that the increase and resource demands of litigation had a significant impact on the processing of non-litigation FOIA requests. Significant staffing resources are required to effectively coordinate with litigating counsel, review court filings, draft declarations and Vaughn Indexes, negotiate attorney fees, and otherwise participate in FOIA litigation. Limited FOIA staff and resources must be leveraged to meet court-imposed deadlines and productions in litigation cases, leaving fewer resources devoted to processing increasingly complex and voluminous non-litigation FOIA requests and consultations on a first-in first-out basis. Some components reported that this creates a snowball effect, increasing the number of litigation cases filed due to constructive exhaustion. Nevertheless, the Department strives to efficiently respond to requests and communicate effectively with requesters to minimize litigation and facilitate access to information through the FOIA.