



UNITED STATES DEPARTMENT OF JUSTICE CHIEF FREEDOM OF INFORMATION ACT OFFICER REPORT FOR 2011

On his first full day in Office, President Barack Obama issued a memorandum to the heads of all federal executive Departments and Agencies calling for the Freedom of Information Act (FOIA) to be administered with a “clear presumption: In the face of doubt, openness prevails.” The President called on agencies to take affirmative actions to make information public, including proactively posting information of public interest so that it is available to the public without first requiring a FOIA request. He emphasized that agencies should use modern technology to inform the public about what is known and done by their government. The President instructed the Attorney General to issue new guidelines governing the FOIA to reaffirm the federal government’s commitment to accountability and transparency.

“All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles of the FOIA, and to usher in a new era of open government.”

- President Barack Obama

On March 19, 2009, during Sunshine Week, Attorney General Eric Holder issued the guidance called for by the President. Attorney General Holder’s FOIA Guidelines built on the President’s call for openness and transparency. The FOIA Guidelines address the presumption of openness, agency accountability, and the need to work proactively and promptly. The Attorney General directed all agency Chief FOIA Officers to annually review all aspects of their agency’s FOIA administration and report on the steps taken to improve FOIA operations and apply the presumption of openness.

The Department of Justice issued its first Chief FOIA Officer Report on March 15, 2010. That Report discussed the Department’s efforts to implement the President’s Memorandum and the Attorney General’s FOIA Guidelines. Many of the strategies and policies begun and detailed in the Department’s [2010 Chief FOIA Officer Report](#) have been continued through this reporting period. Still other efforts have been initiated during this past year. This Report details those efforts.



All of the statistics provided in this report are either taken directly from the Department's Annual FOIA Report for FY 2010 or are extrapolated from that Report.

Since issuance of the Attorney General's FOIA Guidelines, the Department of Justice, through its Office of Information Policy (OIP), has been actively engaged in encouraging agencies to fulfill the President's commitment to make this the most open Administration in history. OIP issued guidelines to agencies on the content of their Chief FOIA Officer Reports which address five key areas related to the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. Through the filing of agency Chief FOIA Officers Reports both the Department of Justice and the public will be able to review a description of the steps all agencies have taken to implement the Attorney General's FOIA Guidelines to improve transparency.

Organization of the Department of Justice

The Department of Justice is comprised of forty-one separate components,¹ with the Department's FOIA operation being decentralized by component. The range in the number of FOIA requests received by Department components varies widely, from as high as 17,498 to as low as seven. Overall, the vast majority of the Department's FOIA case load is processed by eight components,² which received 96.1% of the Department's requests for FY 2010.

Overall FOIA policy guidance is provided by OIP, which, in addition to its government-wide responsibility to encourage agency compliance with the FOIA, is also responsible for processing FOIA requests on behalf of itself and the Offices of the Attorney General (OAG), Deputy Attorney General (ODAG), Associate Attorney General (OASG), Legislative Affairs (OLA), Public Affairs (PAO), Legal Policy (OLP), and Intergovernmental and Public Liaison (OIPL). The remaining thirty-four Department components are responsible for processing requests received for their own records, based on guidance provided by OIP. The Administrative Appeals Staff of OIP adjudicates appeals of FOIA denials for all Department components, with the exception of the United States Parole Commission (USPC).

The following report was compiled from information provided by every Department component and provides a comprehensive review of the steps taken by the Department as it works to continue to implement the Attorney General's FOIA Guidelines.

¹ The Executive Office for Organized Crime Drug Enforcement Task Forces, formerly a section within the Criminal Division, was established as a component during FY 2010.

² The Bureau of Alcohol, Tobacco, Firearms, and Explosives, Federal Bureau of Prisons, Drug Enforcement Administration, Executive Office for Immigration Review, Executive Office for United States Attorneys, Federal Bureau of Investigation, United States Marshals Service, and Office of Information Policy, which processes requests on behalf of itself and seven Senior Management Offices.

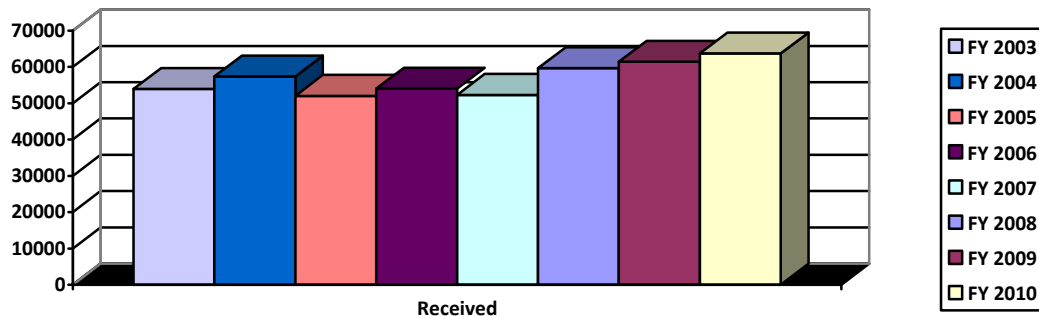


Overview of Fiscal Year 2010

Record Numbers of Requests

For the third consecutive year, the Department saw an increase in the number of FOIA requests it received. In FY 2010, the Department received 63,682 requests. This number is historically significant in several ways. First, it represents the most requests received by the Department in any year since the operations of the former Immigration and Naturalization Service were transferred to the Department of Homeland Security in FY 2002. Second, it constitutes a 3.7% increase over the number of requests received in FY 2009, the previous high point for requests received since FY 2002. Third, it makes the Department rank fourth in terms of numbers of requests received in the federal government, with only the Departments of Defense, Homeland Security, and Health and Human Services receiving more requests in FY 2010. Fourth, it demonstrates that the President's call for openness and transparency has had an impact on increasing demand from the public. In the six years immediately following FY 2002, the Department received an average of 54,857 requests annually. In the two years since the issuance of the President's directive, the Department has received an average of 62,536 requests, a 14.0% increase over the historical average.

Table 1- FOIA Requests Received Since FY 2002



Specifically, seventeen Department components experienced an increase in the number of requests received in FY 2010, with eleven of those seeing an increase of at least 20.0%. Of note, the Office of the Associate Attorney General witnessed the highest percentage increase (60.4%) of any Department component, whereas the Executive Office for Immigration Review (EOIR), the Department's largest FOIA component (as measured by number of requests received), had a 20.7% increase.

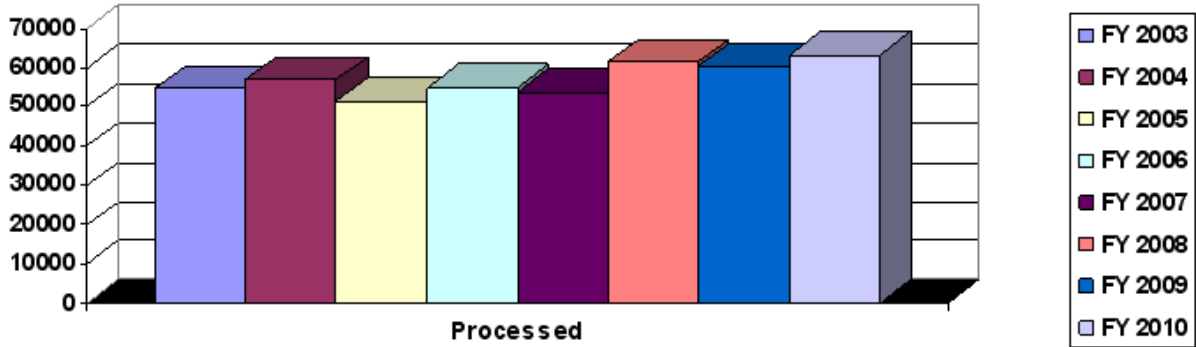
Record Numbers Processed

In response to this record increase in the number of incoming requests, the Department processed 63,368 requests, its most since FY 2002, a 5.2% increase from FY 2009, and the fourth-most of any federal agency. Overall, twenty-three Department components processed more requests than in FY 2009. Of those, fourteen components were able to increase their total of processed requests by at least 20.0%. Collectively, the Federal Bureau of Prisons (BOP) and EOIR processed over half of the Department's total



for FY 2010 in part because they were able to increase their processing totals by 11.5%. OIP, which processes requests on behalf of the Senior Management Offices, increased the number of requests it processed by 27.0%

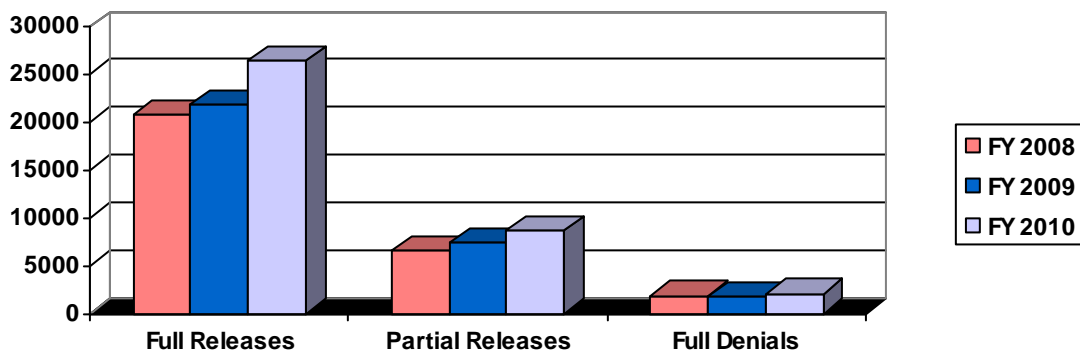
Table 2 - FOIA Requests Processed Since FY 2002



Continued Increases in Releases

The Department also continued to make significant progress in increasing disclosures. In responding to over 37,000 requests in which the Department analyzed responsive records for potential release, the Department increased its disclosures for the second consecutive year. Specifically, it increased instances in which information was released in full by 21.0% from FY 2009 and instances in which information was released in part by 18.2%. Of the 37,088 requests in which the Department made a disclosure determination in FY 2010, the Department was able to release information in 35,049 instances. Termed differently, the Department released information in 94.5% of requests in which it reviewed responsive records for possible release. This marks the highest release percentage since FY 2002. It also exceeds the overall federal government release percentage which is itself a remarkable 92.6%.

Table 3 - Full Releases, Partial Releases, and Full Denials Since FY 2008



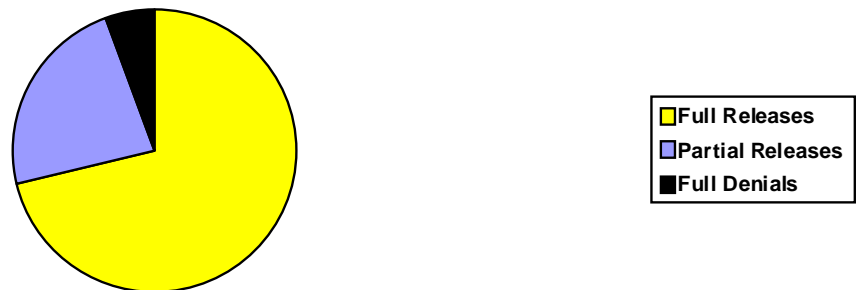
This exceptionally high percentage of requests which resulted in full release of information was seen throughout the Department. Of the thirty-nine³ Department

³ The Office of Dispute Resolution and Executive Office for Organized Crime Drug Enforcement Task Forces did not make a disclosure determination on records in FY 2010.



components that made disclosure determinations in FY 2010, twenty-five were able to release information in at least 90.0% of such instances. Seven components released information in every instance in which they made a disclosure determination. Twenty-six components released more material in full than they had in FY 2009, with the United States Marshals Service (USMS) improving their full releases by 94.4% and the Environment and Natural Resources Division (ENRD) by 300.0%. Of those thirteen components that did not increase their full releases in FY 2010, eight saw their output decrease by fewer than ten instances, suggesting that their statistical decline was well within the standard variation.

Figure 1 - Full Releases, Partial Releases, and Full Denials for FY 2010



Likewise, the increase in requests which resulted in partial release of information was also demonstrated across the Department. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Office of Justice Programs (OJP), and USPC, while experiencing a decline in their full releases in FY 2010, were able to offset this by increasing their partial releases by a collective 48.5%. The Federal Bureau of Investigation (FBI), which had a 41.2% increase in its full releases, had a similar 44.2% increase in its partial releases.

Managing the Backlog

As to the backlog of requests, in the face of the historically high level of incoming requests the Department received, it was able to increase the number of requests it processed and so was able to manage its overall backlog which increased by just 4.1%. Notably, eight Department components had no backlog at all and twenty-one had a backlog reduction for FY 2010. Of particular note, the Criminal Division reduced its backlog by 34.2%, USPC by 44.4%, OLA by 48.2%, and the National Security Division (NSD) by 68.4%. In fact, were it not for the backlog increase experienced by the Drug Enforcement Administration (DEA), the Department would have an overall backlog reduction of 3.7% for FY 2010.

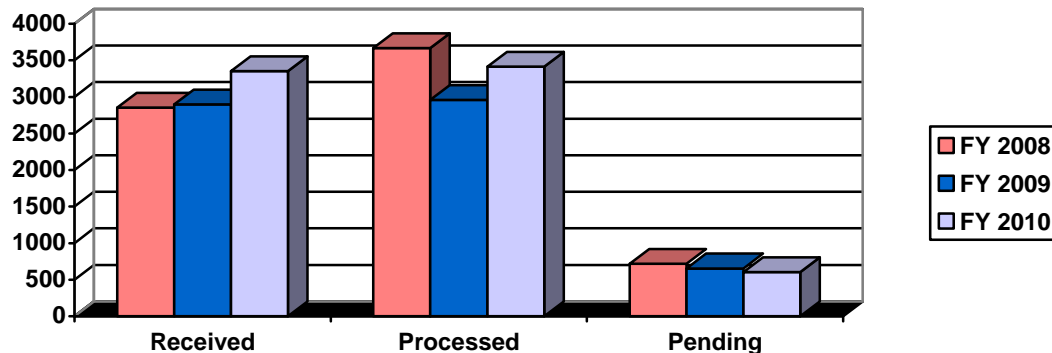
Receiving and Processing More Appeals

Along with experiencing an increase in the number of FOIA requests received, the Department also saw an increase in the numbers of administrative appeals received concerning FOIA denials. The Department received 3,351 administrative appeals in FY



2010, its most since FY 2003 and a 15.6% increase over FY 2009. Primarily through the efforts of the Administrative Appeals Staff of OIP, the Department was capable of handling this influx and adjudicated 3,413 appeals for the year, a 15.3% increase over FY 2009. As a result of these efforts, the number of pending appeals within the Department dropped 8.4%, to 597, the lowest amount of pending appeals since the Department began keeping such records in FY 2008.

Table 4 - Administrative Appeals Received, Processed and Pending Since FY 2008



I. Steps Taken to Apply the Presumption of Openness

Dissemination of the President's FOIA Memorandum and the Attorney General's FOIA Guidelines

Given the Department's leadership role in FOIA policy and compliance, OIP has been actively engaged from the very start in publicizing the President's FOIA Memorandum and the Attorney General's FOIA Guidelines and in educating not only the Department, but all federal agency personnel on President Obama's directive to administer the FOIA with a clear presumption in favor of disclosure. That process began within two days of issuance of the President's Memorandum when OIP sent a communication to all agency Chief FOIA Officers and agency Principal FOIA contacts, as well as to all Department of Justice FOIA officers, emphasizing the need for agencies to immediately begin applying the President's directive to all decisions involving the FOIA. That process has continued steadily thereafter upon issuance of the Attorney General's FOIA Guidelines, and then issuance of OIP's guidance to agencies on implementing the two directives. As detailed in the Department's 2010 Chief FOIA Officer Report, on its website OIP provides agencies and the public with access to both the President's Memoranda on the FOIA, and the Attorney General's FOIA Guidelines, as well as related training material.

OIP's guidance on the new FOIA Guidelines was designed to assist agencies in implementing the new policy. OIP's comprehensive guidance addresses all aspects of the President's and Attorney General's directives, advising agencies on applying the presumption of openness, improving efficiency and timeliness, establishing systems to identify information for proactive release, utilizing technology, and making discretionary



disclosures. OIP also incorporated discussions on the new directives into the latest edition of The Department of Justice Guide to the Freedom of Information Act, a comprehensive legal treatise discussing all aspects of the FOIA.

The Department's components have also taken steps to further disseminate the President's Memorandum and the Attorney General's FOIA Guidelines within their own offices, which for many components include multiple field installations located throughout the country. Many components have provided access to the directives either by way of their intranet site or their public website. For example, USMS has publicized both the President's Memorandum and the Attorney General's FOIA Guidelines in its annual FOIA Liaison Guide, which is distributed to all USMS Division Chiefs and FOIA Liaisons, both at headquarters and throughout its district offices. The Executive Office for United States Trustees (EOUST) has ninety-five field offices in addition to its headquarters. Although its FOIA program is centralized within its Executive Office, EOUST has distributed the President's Memorandum and the Attorney General's FOIA Guidelines to all of its employees. The FBI, which requires extensive training of its FOIA analysts as detailed below, utilizes its online FOIA community site to further reinforce the application of the guidelines. This site includes discussion boards covering a wide range of FOIA issues and an "Ask the Expert" service.

Ongoing Focus on Reinforcing the Transparency Principles Reflected in the Guidelines

Making the President's FOIA Memorandum and the Attorney General's FOIA Guidelines available through multiple websites and Department-wide distribution is a key step in spreading the word about the new transparency policies, but it is also essential that the guidelines be repeatedly emphasized and reinforced throughout the year. OIP provides extensive training for that purpose, as discussed more fully below. OIP also ensures ongoing focus on transparency principles through its daily contact with agency personnel who utilize OIP's FOIA Counselor Service. When any agency FOIA professional has a question about any aspect of the FOIA they can call OIP's FOIA Counselor Service and talk through their issue with an OIP attorney. The line is staffed every day and OIP handles several thousand calls each year. Through this daily interaction with agency FOIA professionals, OIP is continually promoting the presumption of openness whenever providing advice to federal agency personnel.

"We must keep up this work. By accepting our individual responsibilities as well as our obligations to each other, I believe we can fulfill our duties to the American people in bold, effective and historic ways. And I know we can create an even more transparent and even more accountable United States government"

- Attorney General Eric Holder



*Training Provided Concerning the President's FOIA Memorandum
and the Attorney General's FOIA Guidelines*

As the lead FOIA policy office for the federal government, OIP continues to be actively engaged in educating all agency personnel on President Obama's and Attorney General Holder's directives to administer the FOIA with a clear presumption of disclosure. As detailed in the 2010 Chief FOIA Officer Report, OIP provided extensive training on the President's Memorandum and the Attorney General's FOIA Guidelines during the first year of their issuance. Those efforts have continued during this past year. During FY 2010, OIP conducted twenty-four separate training sessions which were attended by over 2,400 federal employees from a wide range of agencies and departments. All of these training sessions included discussion of the new directives.

Eleven of these training sessions were part of OIP's annual training schedule, where discussions on the application of the presumption of openness, increasing transparency and proactive disclosures, and improving timeliness in responding to FOIA requests are already incorporated into the curriculum. Thirteen additional sessions were held throughout the fiscal year, including participation in agency FOIA conference, the convening of two specialized Working Groups, one on use of technology and one on FOIA Best Practices, as well as the offering of conferences with Chief FOIA Officers, FOIA Public Liaisons, and Principal FOIA Contacts. All of these sessions provided opportunities to further promote the President's and Attorney General's directives while simultaneously offering federal agency personnel the opportunity to discuss issues concerning effective implementation of the directives and to share best practices with each other.

Within the Department, the Chief FOIA Officer, who is the Associate Attorney General, together with OIP, have held multiple working sessions with the principal FOIA contacts from each component to emphasize the importance of increased transparency. Many of the Department's components have also supplemented the training provided by OIP with their own training. For example, the Civil Rights Division's Professional Development Office provides all new attorneys with training on the presumption of openness in FOIA matters. OJP requires that all new employees and contractors undergo FOIA training, which includes discussions of the Attorney General's Guidelines, and OJP's Senior Counsel provides FOIA training to its program offices whenever requested. The FBI includes discussion of the guidelines as part of the three-week basic FOIA training course it requires of all new FOIA analysts. This FOIA certification program includes formal classroom training, comprehensive exams, on-the-job training, and supervisor verification that the employee's work meets the established criteria. The Attorney General's Guidelines are fully integrated into this certification process, and, as of the end of FY 2010, 133 FBI employees had completed the certification requirements. In addition, the FBI developed continuing education courses on FOIA processing that specifically focus on the potential for discretionary release of historical information that could be withheld pursuant to Exemptions 5 and 7(D).



Teams from the FOIA staff of the Executive Office for United States Attorneys (EOUSA) provided FOIA training to personnel in its offices for the Districts of Middle Georgia, Eastern Virginia, Southern Texas, and Eastern California. This was in addition to the training it provided to approximately a dozen new district FOIA contacts. EOUSA has made this training available via video-on-demand through the National Advocacy Center. Lastly, during FY 2010, the Office of General Counsel of ATF provided training on the guidelines to all attorneys within its Directorate, which included a question and answer session between the Team Leader of the Disclosure Division and all ATF Public Information Officers. These efforts not only provide opportunities to further disseminate the Attorney General's FOIA Guidelines, but they help improve component's coordination with their subcomponents and field offices.

The Associate Attorney General also convenes the Chief FOIA Officers of the key twenty-five agencies on a quarterly basis to ensure that the agencies are sharing ideas on how best to improve FOIA performance across the government.

Discretionary Disclosures

As part of his directive on the FOIA, President Obama called on agencies to not withhold information based on "speculative or abstract fears." The Attorney General in his FOIA Guidelines called on agencies to not withhold information simply because they could legally do so. The Attorney General strongly encouraged agencies to make discretionary disclosures whenever possible. Such discretionary disclosures are a key element of the new transparency directives.

As such, it is essential that FOIA personnel develop practices within their review processes to identify information that is appropriate for discretionary disclosure. FOIA analysts throughout the Department have been trained to systematically review all material to recognize factors, such as the age of the material or its similarity to a final product, that may suggest that it is appropriate for discretionary release. Active participation and analysis of senior reviewers is then necessary to ensure that the sensitivities within the information no longer warrant protection. Within OIP, discretionary releases are reviewed by both the Counsel to the Initial Request Staff and the Chief of Staff. The Deputy Chief has overall responsibility for identifying discretionary releases within the Criminal Division. All partial and full denials made by JMD are first reviewed by its Office of General Counsel thereby ensuring that the presumption of openness is applied appropriately.

In FY 2010, thirty Department components, a full 73% of the components, made a discretionary disclosure of otherwise exempt information. Overall, the Department released information that could have otherwise been protected under Exemptions 2, 5, 7(D), and 7(E).

At the appellate stage, OIP has provided training to its administrative appeals staff on how to analyze the potential for discretionary disclosures. Appeals attorneys review the initial actions of Department components at the administrative appeal stage and,

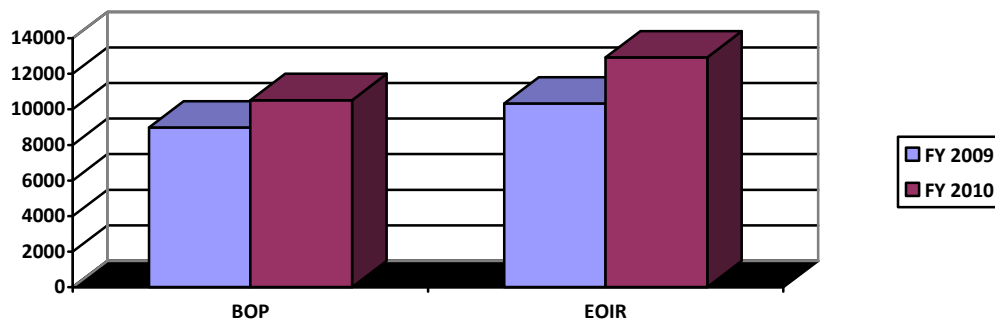


whenever appropriate, engage Department components in a discussion of the potential for discretionary disclosure. In many instances, these discussions resulted in the discretionary disclosure of material that had previously been withheld.

Increased Disclosure of Records

As mentioned above, for the second straight year, the Department has increased the numbers of responses where records are released in full or in part. During FY 2010, the Department increased the number of requests where records were released in full by 21.0% as compared to FY 2009. Similarly, the Department increased the number of requests where records were released in part by 18.2%. These gains were seen throughout the Department, with twenty-seven components increasing the number of requests where the information was provided in full. Of note, the USMS increased its full grants from 374 to 727, a 94.4% improvement. EOIR and BOP, the Department's two largest FOIA components, increased their full grants by 4,147. Remarkably, 97.3% of the document releases made by EOIR in FY 2010 were done without the application of any FOIA exemption.

Table 5 - Full Releases by BOP and EOIR, FY 2009 Compared to FY 2010



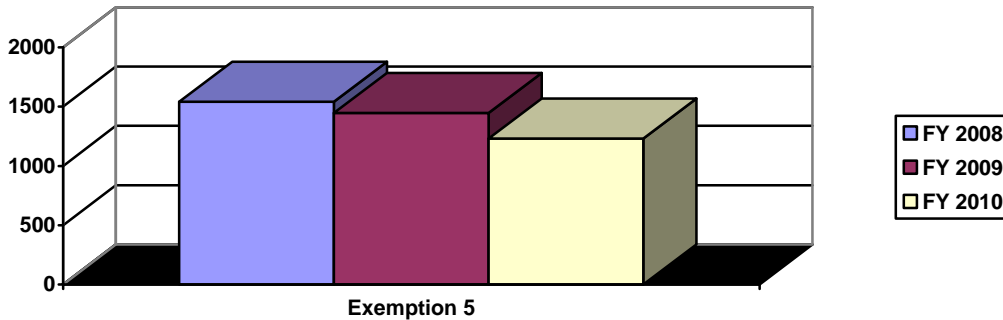
For two of the Department's largest law enforcement components, FBI and ATF, where the sensitive nature of the records they maintain makes it difficult to release records in full, both components made significant gains in the numbers of responses where they provided a partial grant of the requested records. ATF had a 34.2% increase in its partial grants whereas the FBI had an increase of 44.2% as compared to FY 2009. USPC and OJP saw even more impressive improvements of 85.0% and 89.8%, respectively.

Reduced Application of Exemption 5

Documents protected by Exemption 5 hold the most potential for consideration of discretionary release. Although the number of times exemptions are used does not correlate to the volume of material withheld, it is still noteworthy when there is a significant reduction in the number of times that Exemption 5 is used. At the Department of Justice, despite having processed more requests in FY 2010 than the previous year, the Department reduced the number of times it invoked Exemption 5 by 216. This marks the fewest assertions of Exemption 5 since FY 2002 and is a 14.9% decrease from FY 2009.



Table 6 - Application of Exemption 5 Since FY 2008



II. Steps Taken to Ensure that the Department Has an Effective System for Responding to FOIA Requests

The Department employs a variety of steps designed to ensure that each component has in place an efficient and effective system to respond to requests. OIP encourages all components, as well as all agencies, to routinely review existing practices and procedures to look for ways to improve efficiencies. The fact that the Department was able to significantly increase the number of requests it processed this past fiscal year in and of itself is indicative of the improvements the components are making in increasing efficiency.

Sufficient Information Technology Support

As the effective and efficient processing of FOIA requests increasingly relies on the use of technological capabilities, the Department’s components have worked to establish and maintain strong working relationships with their information technology (IT) support staff. Across the Department, components report strong and beneficial relationships with their IT staff.

For example, OIP has come to increasingly rely on the use of enterprise vaults to conduct its e-mail searches of senior management office staff. Using these vaults allows OIP’s FOIA Analysts to more efficiently conduct thorough records searches without having to interrupt the official’s daily activities. The creation of such vaults requires the efforts of the Office of the Chief Information Officer (OCIO) within the Justice Management Division (JMD). OIP has worked closely with OCIO to establish a system by which such vaults can be provided as quickly as possible while simultaneously ensuring appropriate information protection safeguards.

“Application 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.”
 - Attorney General Eric Holder

Elsewhere, the Antitrust Division, in coordination with its IT staff, has developed



the ability to post documents to its website multiple times a day, if necessary. USMS has assigned an IT project manager to its FOIA staff to assist in the coordination and procurement of technical support. This individual also serves as a liaison for day-to-day technical issues that affect the efficient processing of requests. The Professional Responsibility Advisory Office (PRAO) has the built-in benefit of having its FOIA Officer also serve as its IT Officer.

Routine Monitoring of FOIA Caseloads

Another tool employed by the Department to help achieve efficiency is the routine monitoring of FOIA caseloads. Components use a variety of systems to monitor the flow and progress of their FOIA cases. These systems tend to vary depending on the size of the component's FOIA program and its technological capabilities. In OIP, the Chief of the Initial Request Staff of OIP and the reviewers of the Administrative Appeals Staff conduct routine case reviews with all staff members. These reviews are designed to provide reviewers and managers with the status of all pending requests and appeals and to facilitate identification of issues and highlight areas where managers can assist in resolution of a problem. OIP's Chief of Staff participates in these reviews, which also serve as a systematic way for OIP to analyze its processing practices as a whole, thereby identifying any areas of redundancy, while also allowing ready transfer of best practices across the office.

The National Drug Intelligence Center (NDIC) provides a weekly FOIA status report to its senior management. COPS, a component with no backlog for the past three years and an average processing time of 3.82 days, has comfortably established an efficient and effective system for handling the requests it receives. Every other component reports having a system to periodically review its FOIA caseload.

Requester Outreach

Direct communication with the requester community is yet another, very effective means that the Department utilizes to ensure that it has an effective FOIA program. Discussions with requesters can often address many of the administrative issues that otherwise delay the processing of a request. The scope of a request can often be refined during conversations between requesters and FOIA personnel, thereby improving processing times and reducing unnecessary delay. OIP has issued guidance to all agencies concerning the importance of good communication with requesters and it has long had a practice of reaching out to requesters to discuss the handling of their requests. This policy has proven highly effective. Requester outreach has proven to be a beneficial, educational, and economical means of operating the FOIA efficiently and transparently.

Similarly, the FBI's Public Information Officer (PIO) provides a direct line of communication with the public concerning the FOIA and the Privacy Act. The PIO provides prompt and comprehensive explanations concerning the differences between the FOIA and the Privacy Act, submission requirements, requests for expedited processing,



issues related to fees or fee waivers, and many other aspects of the FOIA. This service has proven exceptionally popular and beneficial. For FY 2010, the PIO received over 6,000 phone calls, 1,935 inquiries by facsimile, and 2,804 e-mails regarding FOIA and Privacy Act requests. This front line point of contact provides the public with information concerning the FOIA process in a timely manner, thereby reducing the need to go back to requesters for needed information in order to process their requests. This service also proved useful on the FBI's redesign of its FOIA website as information gleaned from the PIO's interaction with the public was also incorporated into the redesign.

Yet another method to improve efficiency has been direct outreach to the requester community. In December 2010, OIP held its second FOIA Requester Roundtable. This event provided members of the requester community the opportunity to come to OIP and discuss their interests and concerns directly with its Director. The open dialogue promoted by this event has helped establish and strengthen relationships between OIP and some of its most frequent requesters. In turn, OIP has incorporated comments received at these events into its training of FOIA personnel government-wide.

Ensuring Adequate Staffing

All of the preceding factors contribute to the making of an efficient and effective FOIA processing system. Ensuring that the staff allocated to perform these functions is adequate to the demands being placed upon them is also a significant aspect of ensuring that the system is operating optimally. Given the historic number of requests received by the Department in FY 2010, many components took steps to increase their FOIA staffing.

The Civil Rights Division, in response to a significant increase in public interest in one of its subject matter areas, hired an additional full-time employee. USMS added student interns to its FOIA program, whereas OJP added a contractor clerk. The Criminal Division hired a Special Assistant. As detailed below, OLC has added an attorney experienced in FOIA litigation to its staff, and DEA has funded the employment of eight contractors in response to its increase in requests and loss of senior personnel. BOP, in an effort to eliminate its backlog entirely, conducted a review of its staffing levels. As a result, it has gained approval to add eight new positions to its FOIA staff.

As both the lead FOIA policy office for the federal government and the office with responsibility for processing requests on behalf of eight Senior Management Offices, OIP has seen its workload increase exponentially. As a result, the Attorney General has requested as part of the Department's FY 2012 Budget Request funding for an additional five positions within OIP.



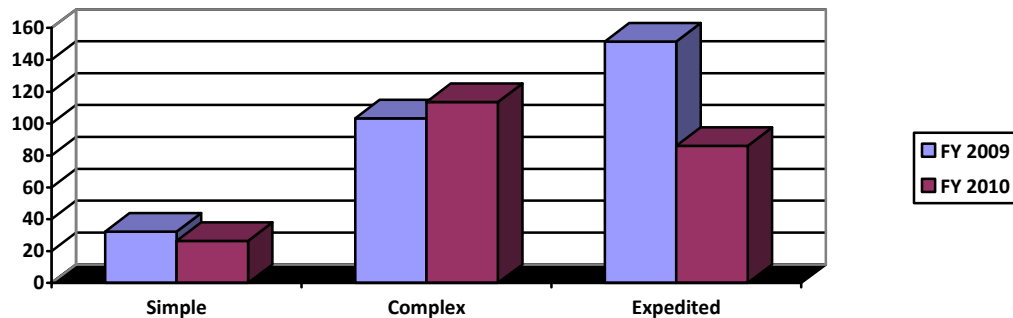
Improved Response Time for Processing of Both Simple and Expedited Requests

Reducing the number of days required to process FOIA requests is yet another way in which the Department has shown improvements this past year. To this end, the Department has seen significant success.

The Department utilizes a multi-track system for processing FOIA requests. This system places requests in one of three processing queues – simple, complex, and expedited. Requests are then generally processed on a first-in, first-out basis within their queue. This multi-track system allows for the prompt processing of simple requests regardless of whether they are received after those that are more complex. Similarly, having a separate track designated solely for expedited requests, which can typically be complex in their own right, allows for that category of requests to be focused upon according to their expedited status.

For FY 2010, the Department reduced the average number of days necessary to process a request for both its simple and expedited requests. Specifically, the average numbers of days required to process simple requests was reduced from 32.17 to 26.35, a decrease of 18.0%. The improvement for expedited requests was far more impressive, as the average number of days required to process such requests went from 151.42 to 86.08, a reduction of 43.1%.

Table 7 - Average Processing Days Per Queue, FY 2009 Compared to FY 2010



The time required to adjudicate administrative appeals also continued to decline in FY 2010. After a dramatic improvement in FY 2009 when the average administrative appeal response was reduced from 229 days to 79, the Department maintained this level by adjudicating appeals within an average of 78.27 days.

Interaction with Open Government Team

The Open Government Directive, which addresses the three key principles of transparency, collaboration, and participation that drive open government, directed agencies to develop Open Government Plans. In working on those plans agencies designated open government teams. At the Department of Justice the Director of OIP, who is responsible for managing the Department’s FOIA operations, is also a member of



the Department's Open Government Team. This ensures seamless integration of FOIA initiatives and open government initiatives. Moreover, as is described more fully below, the Department selected a FOIA initiative as its Flagship initiative under the Department's Open Government Plan.

III. Steps Taken to Increase Proactive Disclosures



As detailed in the Department's 2010 Chief FOIA Officer Report, since issuance of the President's FOIA Memorandum and the Attorney General's FOIA Guidelines, OIP has proactively posted all guidance connected with the directives, as well as training materials and data on Exemption 3 statutes. As detailed below, the Department will soon be launching a new website called FOIA.Gov and a totally redesigned OIP website to further improve dissemination of material concerning the FOIA itself. Other components of the Department have worked to improve their websites over the past year and to increase proactive disclosures of information relating to their programs.

Creation of New Website Entitled FOIA.Gov

As the Department's Flagship Initiative under our Open Government Plan the Department is near completion of a new website named FOIA.Gov. Planned for release during Sunshine Week, the new website is intended to "shine a light" on the FOIA itself, both in terms of how the law is working and how it can be used by the public. In development for the past year, FOIA.Gov is designed to provide the public with a single source of information concerning the FOIA, from educational resources to agency FOIA contact information, to detailed data on FOIA compliance contained in agency Annual FOIA Reports. That data will be presented graphically, will be in open format so it is "mashable," and will allow for easy comparisons between agencies and over time. The website has been designed, built, and funded by the Department of Justice, but it was created as a result of public input. The idea for a FOIA dashboard was one of the most voted on suggestions for the Department's Flagship Initiative. Once the Attorney General selected the idea and work began on the site, the Department continuously added more features and elements so that the site at launch will be much more comprehensive than a dashboard.

The new website will apply the principles of transparency and openness to the administration of the FOIA itself, allowing the public to easily track information about FOIA compliance. The website will allow the public to generate statistics on FOIA compliance across the government and from year to year. Not only will this visual report card itself promote transparency, but it should also have the effect of encouraging FOIA offices across the government to "race to the top" to improve their compliance efforts. By shining a light on critical FOIA metrics such as numbers of requests processed, size of agency backlogs, numbers of requests resulting in releases either in full or in part, and allowing easy comparison between agencies, FOIA.Gov will serve as a powerful



motivator for agencies to improve timeliness, reduce backlogs, and release as much information to the public under FOIA as possible.

FOIA.Gov also has a significant educational component. New content has been created providing information on the FOIA itself, how to make a request, where to submit a request, who to contact with questions about a request, and a collection of frequently asked questions. A description of each agency is given, as well as contact information for the agency's Chief FOIA Officer, and all the agency's FOIA Requester Service Centers and FOIA Public Liaisons. A series of videos from OIP's Director concerning many aspects of the FOIA are available for viewing. A glossary provides an explanation of many of the terms used throughout the FOIA process. This material is specifically tailored for people unfamiliar with the FOIA and could also serve as introductory training material for new FOIA analysts.

“Increasing proactive disclosures is a critical element of the Attorney General’s FOIA Guidelines.”

- Melanie Ann Pustay
Director of OIP

As a website specifically designed to promote an open and transparent government, FOIA.Gov will be constantly evolving. Significant FOIA releases made by federal entities will be highlighted on the site. New Annual Report data will be incorporated as it becomes available. Additional educational materials will be developed. To ensure that FOIA.Gov meets the needs and interests of both the public and of agencies, the site allows for and encourages feedback.

Redesigning Department Websites

In connection with the launch of FOIA.Gov, OIP will also launch its newly redesigned website. New content has been developed and added to the site and features have been reorganized in order to make information concerning the FOIA, the Department's FOIA operation, and OIP's guidance more readily accessible.

FOIA Post has been reformatted and will cover a wide range of FOIA-related topics. OIP's policy guidance will be maintained on a separate page, dedicated solely to that category of information. A new feature has been created which gives agencies all their reporting deadlines and other key dates. Recent court decisions will continue to be available in monthly summaries and will now also be organized by subject and exemption for ease of use. In addition, they will continue to be featured in *FOIA Post* as they are issued. A streamlined, easy to read version of the *Department of Justice Freedom of Information Act Reference Guide* has been created to provide step-by-step instructions on how to submit a FOIA request. This abridged version of the *Reference Guide* provides answers to some of the most commonly asked questions concerning the submission of a FOIA request to the Department, while simultaneously linking back to the full version of the *Reference Guide* and other parts of the website for further discussion of these matters.



As part of the redesign, comprehensive contact information for all Department components is now available on OIP's website. By simply selecting a component from the Department organization chart, users are provided with contact information for the component's main office, Requester Service Center, FOIA Public Liaison, as well as that component's website, fax number, and e-mail address designated for the receipt of FOIA requests. This same information is also available elsewhere on the website in a list form, which allows for its printing as a single document.

A FOIA Library has been created to replace the old "Reading Rooms" for components. The FOIA Library now consolidates the material of all the Senior Management Offices which OIP handles into one location, providing greater ease in locating the proactively disclosed records of those offices.

To ensure that OIP's website is continually updated and populated with pertinent information, OIP conducts a systematic review of various electronic databases to locate records that may be appropriate for proactive disclosure. This process includes a periodic review of the records of the Departmental Executive Secretariat, which is the official records repository for the OAG, ODAG, and OASG and which also maintains certain OLA records, for records that may be of significant public interest. When records that may be appropriate for proactive disclosure are identified, they undergo a systematic review and, if appropriate, are published on the Department's website.

The FBI has also begun a major redesign of its website and is evaluating the current relevance of the approximately 250 subject matter files that are already proactively made available there. Once completed in mid-2011, the FBI's new website will provide the public with the ability to search for information within its releases and provide yet another a means by which requesters can inquire directly about the status of their requests. Likewise, the Foreign Claims Settlement Commission (FCSC) has built into its website a searchable dataset of historical Commission decisions dating back to the 1950s.

Significant Additions to Websites

Throughout the Department, components were able to make important additions to their websites this past year. For example, OIP has begun proactively posting the calendars of Attorney General Eric Holder. This will continue to be an ongoing project as once all the calendars from previous months are posted, OIP will update the posting routinely. The Office of the Inspector General (OIG) continued its standard process of making the majority of its audits, inspections, and special reports available on its website. ATF began posting on its website a monthly listing of all active Federal Firearms Licenses. The Office on Violence Against Women (OVW), a grant program office, continued a policy of releasing unfunded applications. The Office of Dispute Resolution (ODR) provided quarterly statistical updates concerning the number of cases funded, the percentage of cases that were successfully resolved, and the total costs incurred through its mediation services. USPC updated its Rules and Procedures manual. EOIR posted its



2010 yearbook on asylum statistics, an update to its Immigration Judge Bench Book, and various precedent decisions of its Board of Immigration Appeals.

Elsewhere, BOP posted its national breakfast, lunch, and dinner choices for FY 2010 and added its admissions and orientation handbooks to the websites of each of its correctional facilities. The United States National Central Bureau – INTERPOL released records concerning “Operation Far Away,” which concerns a multi-international effort to locate criminals in the United States and elsewhere. The Office of the Pardon Attorney provided monthly updates of its statistical information related to the processing of applications for executive clemency. COPS made available successful grant applications for its COPS Hiring Grant Program and its Secure Our Schools Program.

JMD posted the Agency Plan for Management of Recovery Act Funds and the FY 2010 Performance and

Accountability Report. In addition, its Library Staff is nearing completion of an extensive project of digitizing and posting on the Department’s website all historical Attorney General speeches and Department legislative histories it maintains. Once completed, this resource will provide historians, scholars, and the general public with access to records concerning significant historical events spanning the last eighty years.

“As the lead federal agency responsible for implementation of the FOIA across the government, we at the Department of Justice are especially committed to encouraging compliance with the Act by all agencies and to fulfilling President Obama’s goal of making this Administration the most open and transparent in history.”
- Associate Attorney General Thomas Perrelli

In addition to posting eighteen speeches, 101 press releases, and 173 court filings, the Antitrust Division was able to utilize its website to great effect. In coordination with the U.S. Department of Agriculture, the Division held five joint public workshops to explore competition issues affecting the agricultural sector in the 21st century and the appropriate role for antitrust and regulatory enforcement in that industry. The dates, locations, and topics of these workshops were posted on the Division’s website and the public response was impressive. The Division received 15,695 comments from farmers, consumers, academics, elected officials, and industry organizations. Those comments, as well as transcripts and videos of the five workshops, have been posted on the Division’s website.

These additions to component websites are but an example of the material provided to the public by the Department this past year.

Increased Use of Social Media

The Department has increased its efforts to engage the public in numerous new formats. In addition to a redesigned website, the Department has established a page on Facebook, a Twitter feed, a MySpace page, and a YouTube channel. These social media sites provide the Department with the ability to disseminate information to the public



through a variety of forums, reaching audiences that might not otherwise visit the Department's main website.

Several components have been particularly active in the use of social media. The Civil Rights Division recently posted a video on YouTube addressing the bullying and harassment of lesbian, gay, bisexual, and transgender youth, and those who do not conform to gender stereotypes. The video includes personal stories from Division staff, and explains the Division's authority under federal law to protect students from harassment at school because of their race, national origin, disability, religion, and sex. OVW has posted numerous statistics on Facebook and Twitter concerning dating abuse in coordination with President Obama declaring February 2011 as National Teen Dating Violence Awareness and Prevention Month.

Although not a social media technique, the Antitrust Division has utilized an e-mail subscriber service to great effect. During FY 2010, the Division provided 1,678,278 e-mail updates to its 46,483 subscribers on a wide range of categories. Through its news feed service, it provided an additional 354 updates containing 602 links pertaining to civil and criminal case filings, press releases, speeches, and upcoming public hearings.

IV. Steps Taken to Greater Utilize Technology

The Open Government Directive required all agencies to post their Annual FOIA Reports in an "open" format. In order to ensure that those "open" formats were consistent across the government and would allow for ready "mashing" of the data contained in the reports, the Department of Justice developed a tool for all agencies to use. This tool converts each agency's Annual FOIA Report into an XML format. By using the same tool, all agency reports are now in a uniform "open" format. As an additional feature, the tool has built-in math checks and other features that alert the agency to issues regarding the data that is entered into the various fields. This feature has greatly enhanced the accuracy of all the Annual FOIA Reports. The Department has gotten very positive feedback from agencies on the ease of using the tool. This Department initiative utilized technology to assist all federal agencies in a key aspect of FOIA administration.

Receipt of Requests by E-mail

The Department is proud to report that all of its components receive requests either by e-mail or by electronic submission form on their website. This is the result of a concerted effort by the Department to establish e-mail accounts exclusively for the receipt of FOIA requests. The dedicated e-mail accounts for each component are as follows:

OAG	<u>DOJ.OIP.Initial.Requests@usdoj.gov</u>
ODAG	<u>DOJ.OIP.Initial.Requests@usdoj.gov</u>
OASG	<u>DOJ.OIP.Initial.Requests@usdoj.gov</u>



Antitrust	antitrust.foia@usdoj.gov
ATF	foiamail@atf.gov
BOP	ogc_efoia@bop.gov
Civil	Civil.routing.FOIA@usdoj.gov
Civil Rights	Nelson.Hermilla@usdoj.gov
COPS	COPS.FOIA@usdoj.gov
CRS	CRS.FOIA@usdoj.gov
Criminal	crm.foia@usdoj.gov
DEA	dea.foia@usdoj.gov
ENRD	sarah.lu@udsoj.gov
EOIR	EOIR.FOIARequests@usdoj.gov
EOUSA	USAEO.FOIA.REQUESTS@usdoj.gov
EOUST	USTPFOIA.Requests@usdoj.gov
FBI	foiparequest@ic.fbi.gov
FCSC	info.fcsc@usdoj.gov
INTERPOL	Interpol-USNCB.FOIA@usdoj.gov
JMD	JMDFOIA@usdoj.gov
NDIC	NDIC.FOIA@usdoj.gov
NSD	nsdfoia@usdoj.gov
OCDETF	ocdetf.foia@usdoj.gov
ODR	ODR.Mailbox2@usdoj.gov
OFDT	ofdt.foia@usdoj.gov
OIG	oigfoia@usdoj.gov
OIP	DOJ.OIP.Initial.Requests@usdoj.gov
OIPL	DOJ.OIP.Initial.Requests@usdoj.gov
OJP	FOIAOJP@usdoj.gov
OLC	usdoj-officeoflegalcounsel@usdoj.gov
OLA	DOJ.OIP.Initial.Requests@usdoj.gov
OLP	DOJ.OIP.Initial.Requests@usdoj.gov
Pardon	PardonAttorneyFOIA@usdoj.gov
PRAO	PRAO.FOIA@usdoj.gov
OPR	OPR.FOIA@usdoj.gov
Public Affairs	DOJ.OIP.Initial.Requests@usdoj.gov
OSG	OSGFOIA@usdoj.gov
OVW	OVW.FOIA@usdoj.gov
Tax	TaxDiv.FOIAPA@usdoj.gov
USMS	usms.foia@usdoj.gov
USPC	USPC.FOIA@usdoj.gov

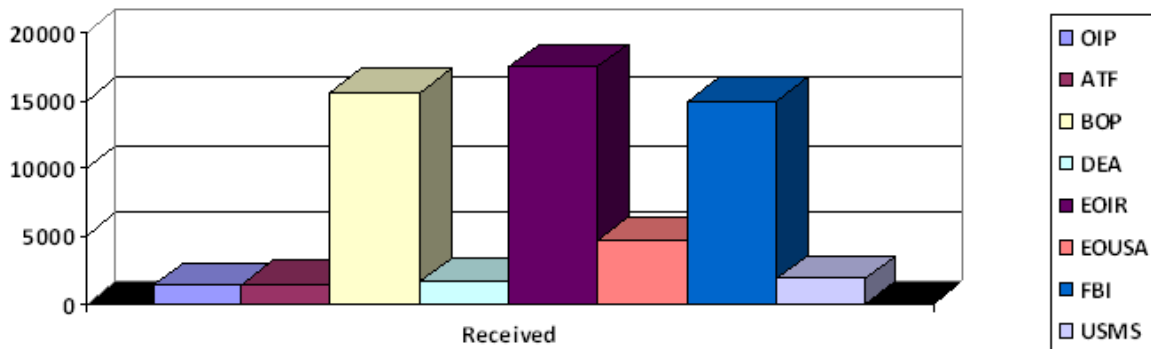
These e-mail accounts offer the public an easy and more efficient alternative to the traditional method of submitting a request. E-mail submissions also have the benefit of providing an easy method for components' to get in touch with requesters to address any issues that may arise during the processing of a request.



Electronic Tracking of FOIA Requests

As mentioned above, the number of FOIA requests received by each Department component varies widely; five components received fewer than twenty-five requests in FY 2010 whereas eight received at least 1,000. However, regardless of the number of incoming requests, every component tracks its requests electronically.

Table 8 - Department Components in Receipt of At Least 1,000 Requests



Electronic Processing of FOIA Requests

The ability to process requests electronically is growing within the Department. Some components utilize software specifically designed for FOIA processing. These commercially-available systems allow for improved tracking of requests, electronic review and redaction of documents, and statistical analysis of a component's case load. As a result, once fully implemented, such systems are able to reduce the time required to process requests by removing redundancies, such as the need to create multiple paper copies of documents, that exist in the manual processing of requests. However, given limited budgetary resources, the cost of such systems is prohibitive to many components, particularly those that do not receive a significant number of FOIA requests.

For components that do not operate a FOIA-specific software program, many are able to utilize commercial, over-the-counter programs to assist them in their administration of the FOIA. While such programs are not designed for FOIA processing, they provide limited electronic capabilities that are useful to components.

As reported in the 2010 Report, most Department components utilize technology in some aspect of their FOIA processing. During FY 2009, 87.5% of components processed requests electronically. That percentage has now improved to 90.2%. Of the four components that do not currently utilize electronic processing, two, the Community Relations Service and OVW, received only ten and fifty-nine requests, respectively, whereas another, USPC, is in the process of implementing such a system.

Electronic Preparation of Annual FOIA Report

The preparation of the Department's Annual FOIA Report is a significant and



time-consuming undertaking every year. The Annual FOIA Report contains detailed statistics on the numbers of requests and appeals received, processed, and pending at each component, the time taken to respond, the disposition of each request, and data on FOIA staffing levels and costs incurred by the FOIA program.

Given the need to accurately capture all this data during the fiscal year and the requirement to compile it after the end of the fiscal year, it is essential that Department components are capable of quickly and efficiently capturing and analyzing their data.

OIP is responsible for compiling the Department's Annual FOIA Report each year and it does so through use of a FOIA-specific system. As part of that system OIP provided all components with a spreadsheet and software tool specifically designed to capture the information needed for completion of the FY 2010 Annual FOIA Report data.

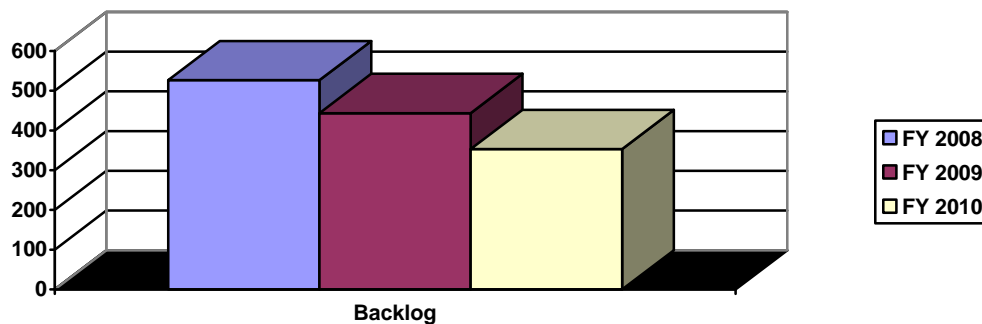
V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Continued Reduction in Backlog of Administrative Appeals

For the third consecutive year, the number of backlogged administrative appeals for the Department has declined. This is due to the efforts of the Administrative Appeals Staff of OIP, which, as stated above, adjudicates administrative appeals for every Department component other than the USPC (which adjudicates approximately ten administrative appeals per year for denials of its own records).

In FY 2010, the Department experienced a 15.6% increase in incoming appeals. Despite this increase, and for the fourth consecutive year, the Department was able to adjudicate more appeals than it received. As a result, the number of backlogged administrative appeals was reduced by 20.4% in FY 2010 to 353, its lowest recorded total since such statistics have been tracked.

Table 9 - Backlog of Administrative Appeals





In addition, both OIP and USPC were able to close the ten oldest pending administrative appeals they had at the beginning of FY 2010⁴. As a result of their collective efforts, the oldest backlogged administrative appeal as of the end of FY 2010 within OIP was from January 7, 2010 and with USPC was from November 10, 2009.

Managing Backlog of Initial Requests

Despite processing the most requests since FY 2002, given the record number of incoming requests the Department did experience a 4.1% increase in its backlog for FY 2010. It is significant that while the Department received 2,291 more requests than it did in FY 2009, its backlog increased by only 204. Although a backlog increase of any kind is a concern, and other factors, including the complexity of requests, staffing levels, and competing litigation considerations, certainly apply, these numbers demonstrate that the Department made a sustained effort throughout the year to increase its processing to match the increase in requests received, but simply was not able to match it fully.

Significantly, twenty-seven components⁵ were able to reduce their backlog in FY 2010. Of those, eight components⁶ had no backlog at all, including the Executive Office for United States Trustees (EOUST), which had a backlog of 26 cases as recently as FY 2008. Reductions were demonstrated through the Department, with the third-largest component, the FBI, having the largest numerical decline in its backlog, with a reduction of 156 requests. Two components, the Criminal Division and USPC, both continued impressive trends begun in FY 2009 in reducing their backlogs. Since the end of FY 2008, the USPC has reduced its backlog by 62.4% and the Criminal Division by 68.4%.

By contrast, fourteen components⁷ experienced a backlog increase in FY 2010. However, it should be noted that three of these components, United States Pardon Attorney, PRAO, and USMS, had a backlog increase of only one request. Moreover, another three components, OASG, PAO, and Office of the Solicitor General (OSG) had a backlog increase of ten or fewer requests.

Of the remaining eight⁸ components that had a backlog increase of more than ten, six of them received more requests in FY 2010 than in FY 2009. The remaining two, the Civil Division and Office of Legal Counsel (OLC), received eleven and seven fewer requests, respectively. The increases for the six components were not moderate. Combined, these six components received 3,542 more requests than in FY 2009. As stated above, the Department's overall increase in incoming requests was 2,291, clearly demonstrating the increased caseload that was placed upon these six components. All of

⁴ USPC had only one backlogged administrative appeal for FY 2010.

⁵ The Antitrust Division, ATF, BOP, Civil Rights Division, CRS, Criminal Division, ENRD, EOUSA, EOUST, FBI, FCSC, JMD, NDIC, NSD, COPS, ODR, OFDT, OIG, OIPL, OLP, OLA, OPR, OVW, Tax Division, INTERPOL – USNCB, and USPC. OCDETF, as being established during FY 2010, has no backlog by which to compare and is included in this total.

⁶ CRS, EOUST, FCSC, COPS, ODR, OFDT, OIG, and OVW.

⁷ OAG, ODAG, OASG, Civil Division, DEA, EOIR, OIP, OJP, OLC, Pardon Attorney, PAO, OSG, PRAO, and USMS.

⁸ OAG, ODAG, Civil Division, DEA, EOIR, OIP, OJP, and OLC.



them, with the exception of the DEA, experienced an incoming percentage increase of at least 20.7%. DEA's increase was 9.1% which is not insignificant, given that DEA receives the sixth-largest numbers of FOIA requests for the Department.

In response, six⁹ of these eight components which had a backlog increase were able to process more requests in FY 2010 than in FY 2009. In fact, despite the historic increase in received requests, they were nearly able to match the influx. Combined, this group of six components received an additional 3,393 requests and processed an additional 3,378. In other words, while these six components did have a backlog increase for FY 2010, they were able to process 98.2% of the requests received, despite seeing their incoming requests increase by 21.2%.

Two components, DEA and OLC, had both a backlog increase and a decrease in the number of requests processed for FY 2010. The backlog increase for the DEA is the more significant, given that it otherwise eliminated gains seen across the Department as a whole. As mentioned above, the DEA had a 9.1% increase in its incoming requests, which certainly affected its backlog. Two additional factors also played a significant role.

First, in May of 2010, DEA implemented a new policy with regard to the processing of FOIA requests. In previous years, DEA had devoted a considerable amount of time upon the initial receipt of a request to determine the precise nature of the material being sought. This policy was designed to focus the scope of the request so as to minimize the search and duplication costs incurred by requesters. As issues with the process became apparent, DEA, in coordination with OIP, reevaluated their procedures and developed its current policy. This policy has removed steps that were determined to be unnecessarily bureaucratic and have thereby streamlined DEA's procedures for processing requests while simultaneously applying the presumption of openness.

Second, the DEA experienced a substantial loss of its key FOIA personnel during FY 2010. Two senior FOIA analysts left DEA while a third position remained vacant throughout the year. Given a staff of thirteen analysts, this loss of staff and institutional knowledge had a detrimental impact. In an effort to address this lack of staffing, DEA funded the employment of eight contractors. However, because of the need for extensive background checks, DEA has only been able to fill three of these eight positions to date. In addition, because this contract was not implemented until September of 2010, it had minimal effect on DEA's efforts to reduce its backlog for the fiscal year.

It should be noted that DEA did make considerable efforts elsewhere in its FOIA program. DEA formulated a new position designed to heighten requester outreach. This Program Specialist position is tasked with communicating with requesters when it is necessary to determine the scope of the request, discuss the potential reformulation, or advise of unanticipated delays. In addition, DEA launched a new website that includes a multi-media library, maps of methamphetamine lab incidents, broken down by year and state, and statistics concerning the total number of drug seizures by substance since 1985.

⁹ OAG, ODAG, Civil Division, EOIR, OIP, and OJP.



They also demonstrated a marked improvement in their ability to respond to expedited requests promptly, reducing their average response time for such requests from 83 days to 46.9.

Disproportionate to its size, OLC has seen a significant increase in its FOIA workload. As the Department's eleventh-smallest FOIA component, having received only 72 requests in FY 2010 (0.1% of the Department's total), OLC has been required to concentrate its limited FOIA resources on multiple requests that have become the subject of litigation. Meeting court-ordered litigation deadlines has required OLC to conduct large-scale records searches and process an extensive amount of material within a limited timeframe. Although this has resulted in several significant document releases, these efforts have otherwise restricted OLC's ability to address its overall backlog.

To address these issues, OLC has commenced a detailed internal review of its FOIA process to ensure that it is operating as productively as possible and that requests have been placed in the most efficient processing track. These efforts have already been shown to be successful as OLC reduced in half the average amount of time it required to process a request in its "simple" track. OLC is also prioritizing requests that have been pending for an extended period of time and has added to its staff an attorney experienced in FOIA litigation who is primarily designated to assist with OLC's ongoing litigation and backlog reduction. As this attorney did not join OLC until late in the FY 2010 calendar, his impact was not yet fully reflected in OLC's efforts for the year. Given this additional staffing and ongoing internal review, OLC anticipates a significant reduction in its backlog over the coming months.

Ten Oldest Pending Requests

Despite the unprecedented increase in the number of incoming requests, the Department continues to make it a priority to close its oldest pending requests. In FY 2010, the Department closed its ten oldest pending requests for the third consecutive year¹⁰. More significantly, the age of the Department's oldest pending request has been reduced from 4,978 days in FY 2008 to 1,829 for FY 2010.

Individually, the components were likewise able to make significant strides in closing their oldest pending requests. Specifically, twenty-one components closed their respective ten oldest requests¹¹. OIP closed the ten oldest requests for all eight offices for which it processes requests, totaling seventy-eight distinct "ten oldest" requests.¹² ENRD reduced the age of its oldest request from 225 days to 47, whereas EOUST's oldest request went from 855 days to 17 and the Office of the Federal Detention Trustee's from 152 days to 2. The Office of the Inspector General began FY 2010 with a request that had been pending for 925 days and ended the fiscal year without a backlog of any kind.

¹⁰ The ages of the ten oldest pending requests were not tracked prior to FY 2008.

¹¹ As an additional eight components had no pending requests at the beginning of FY 2010 they did not have any oldest pending requests to close.

¹² The Office of Intergovernmental and Public Liaison had only eight pending requests at the beginning of FY 2010.



Most impressively, the FBI reduced the age of its oldest request from 1,010 days to 250, while simultaneously closing its 155 oldest pending requests.

Steps Taken to Reduce Backlogs and Improve Timeliness

As noted above, the Department's backlog increased by only 204 requests despite the receipt of 2,291 additional incoming requests. These figures alone demonstrate that the Department's efforts to match the increased demand being placed on its FOIA resources are having a positive effect. As is also mentioned above, the Department has shown real improvement in the processing times for simple requests, reducing the average number of days to process such requests to 26.35 days.

The Department is employing a number of methodologies to improve timeliness, such as utilizing technology, monitoring FOIA caseloads, and working with requesters. Several Department components have also taken steps to increase their FOIA staff, including DEA, OLC, and OIP.

Records searches can be laborious and burdensome but can be focused through coordination with the staff in possession of the material and, when necessary, with a component's records management personnel. Consultations are a necessary part of the FOIA process, but can be reduced through agreements between components. The exchange of information between components can be facilitated through electronic distribution of the records. Excisions done electronically are easier to review, revise, and release than those done manually. Prompt and direct communication with requesters can typically address the majority of administrative issues that otherwise delay the processing of requests. As described above, these are the types of steps the Department has taken to improve timeliness and reduce backlogs.

The Department of Justice has the highest ranking Chief FOIA Officer in the government and one who is actively engaged in encouraging compliance with the President's FOIA Memorandum and the Attorney General's FOIA Guidelines both across the government and within the Department. The Chief FOIA Officer works directly with OIP as the Department continually look for ways to offer guidance and assistance to all agencies and to inspire agency personnel to do all they can to help the President achieve his goal of making this the most transparent Administration in history.

Spotlight on Success

Undoubtedly, the most significant effort made by the Department of Justice to implement President Obama's FOIA Memorandum and Attorney General Holder's FOIA Guidelines is the creation of the new website FOIA.Gov. FOIA.Gov is a fitting Flagship Initiative for the Department of Justice given our leadership role in encouraging compliance with the FOIA. Using FOIA.Gov the public will be able to easily learn about the FOIA, how it works, and where and how to make a request. Open Government advocates and agencies alike can use the site to readily review and compare agency FOIA



data which will, for the first time ever, be graphically presented and allow for easy comparisons between agencies and over time. Significant FOIA releases will be spotlighted and highlights of FOIA news and events presented. FOIA.Gov will be a single source for information about the federal government's primary access provision, the Freedom of Information Act.