



THE DEPARTMENT OF JUSTICE FREEDOM OF INFORMATION ACT 2014 LITIGATION AND COMPLIANCE REPORT

In accordance with [5 U.S.C. § 552\(e\)\(6\) \(2006 & Supp. IV 2010\)](#), every year by April 1, the Attorney General submits to Congress a report detailing the Department of Justice's efforts to encourage agency compliance with the Freedom of Information Act (FOIA), as well as a listing of all FOIA litigation cases received and decided in the prior calendar year. For 2014, the Department submits the following report to Congress.

DESCRIPTION OF DEPARTMENT OF JUSTICE EFFORTS TO ENCOURAGE AGENCY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT

During 2014, the Department, through its Office of Information Policy (OIP), engaged in a wide range of activities to meet its responsibility to encourage agency compliance with the FOIA throughout the Executive Branch. OIP provided comprehensive guidance and training to all agencies concerning the application of the FOIA statute and the continued implementation of [President Obama's FOIA Memorandum](#) and [Attorney General Holder's FOIA Guidelines](#). See 74 Fed. Reg. 4683 (Jan. 21, 2009); 74 Fed. Reg. 51879 (Oct. 8, 2009). The President's and Attorney General's FOIA Memoranda call for federal agencies to administer the law with a presumption of openness in order to achieve an unprecedented level of transparency in the work of the Executive Branch. Also, during 2014, OIP managed the submission of agencies' Fiscal Year 2014 Annual FOIA Reports and the fifth submission of the Chief FOIA Officer Reports required by the Attorney General's FOIA Guidelines. After the submission of the Chief FOIA Officer Reports, OIP prepared a comprehensive summary of the efforts made by agencies in complying with the Guidelines, and once again assessed each of the ninety-nine agencies subject to the FOIA on these efforts. OIP also managed the quarterly reporting requirement instituted in 2013 for all agencies on four key FOIA statistics that are now displayed in one central location on

"In our democracy, the Freedom of Information Act (FOIA), which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government."

- President Barack Obama

[FOIA.gov](#), the Department's government-wide, comprehensive FOIA website. Additionally, OIP made substantial progress working on five new government-wide initiatives as part of the Administration's commitments to FOIA modernization articulated in the [U.S. Second Open Government National Action Plan](#). These efforts include developing a consolidated online FOIA service, leveraging FOIA best practices across the government to improve internal processes, developing new, electronic FOIA training resources for every level of the federal workforce, developing common FOIA regulations and practices, and engaging in outreach through a FOIA Federal Advisory Committee. These are just a few examples of the many efforts OIP engaged in this past year to improve agencies' FOIA administration and to encourage compliance with the law. A full summary of OIP's efforts, as required by subsection (e)(6) of the FOIA, is set forth below.

A. Policy Guidance

The primary means by which the Department of Justice encourages compliance with the FOIA is through the issuance of policy guidance designed to ensure that the Act is being properly implemented across the government. During 2014, OIP continued to provide comprehensive guidance to federal agencies, addressing a range of issues related to the FOIA and the call for increased transparency set forth in the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. This policy guidance was provided in writing and made available to agencies and the public in the [OIP Guidance](#) section of OIP's website. In addition to issuing guidance, during 2014 OIP worked directly with agencies and held multiple government-wide conferences to discuss the continued implementation of the Administration's FOIA Memoranda and related policy guidance.

OIP Guidance on Chief FOIA Officer Reports

On his first full day in office, January 21, 2009, President Obama signed the "[Presidential Memorandum for the Heads of Executive Departments and Agencies on the Freedom of Information Act](#)," which established a new policy for Executive Branch departments and agencies concerning disclosure and transparency. The President directed all agencies to administer the FOIA with a clear presumption in favor of disclosure, to resolve doubts in favor of openness, and to not withhold information based on "speculative or abstract fears." The President also called on agencies to ensure that requests are responded to with "a spirit of cooperation," that disclosures are timely, and that modern technology is used to make information available to the public even before a request is made. In closing, the President directed the Attorney General "to issue new guidelines governing the FOIA to the heads of executive departments and agencies, reaffirming the commitment to accountability and transparency."

During Sunshine Week on March 19, 2009, Attorney General Eric Holder issued new [FOIA Guidelines](#) that reinforced the President's call for the FOIA to be administered with the presumption of openness. The [Guidelines](#) also emphasize the necessity for agencies to create and maintain an effective system for responding to requests and it directs agencies to not withhold records simply because a FOIA exemption may technically apply. The Attorney General encouraged agencies to make discretionary disclosures of information whenever possible. Where full disclosure of a record is not possible, the Attorney General stressed that agencies should consider whether a partial disclosure can be made. Finally, the [FOIA Guidelines](#) called on agency Chief FOIA Officers to review their agencies' FOIA

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administration annually and to report to the Department of Justice on the steps taken to achieve improved transparency.

Attorney General Holder gave OIP the responsibility of providing guidance to agencies on the content of these Chief FOIA Officer Reports. That guidance, which OIP first issued [in September 2009](#), and has expanded upon in each subsequent year, consistently requires agencies to address five distinct topics all tied to the key areas covered in the [Attorney General's FOIA Guidelines](#). First, each agency is required to describe the steps it has taken to apply the presumption of openness. Second, agencies are required to describe the steps taken to ensure that they have an effective and efficient system in place to respond to requests. Third, agencies must describe their efforts to increase proactive disclosures. Fourth, agencies are required to describe the steps taken to greater utilize technology in administering the FOIA. And finally, agencies are required to provide information about any backlog of requests or appeals and the steps being taken to reduce these backlogs and improve timeliness.

Each year, as agencies' implementation of the FOIA Guidelines has matured, OIP has modified the requirements for the Chief FOIA Officer Reports to build on the successes of the previous years. For example, with regard to the first section of the Chief FOIA Officer Report on applying the presumption of openness, OIP began by asking agencies to report on two questions: (1) what steps were taken to ensure that the presumption is being applied to all decisions involving FOIA, and (2) whether the agency had shown an increase in the number of requests where records were released in full or where records were released in part. In subsequent years, OIP expanded this section of the Chief FOIA Officer Report by asking agencies to report on their efforts to provide FOIA training, their outreach to the requester community, and their processes for making discretionary releases and examples of the types of materials released during the year as a matter of discretion.

On September 24, 2014, OIP once again [issued new guidance](#) to agencies on the content of their [2015 Chief FOIA Officer Reports](#). For 2015, OIP made a significant change from prior years' Chief FOIA Officer Reports by creating separate reporting requirements for agencies that receive large numbers of FOIA requests and those agencies that receive less than 1,000 requests. By providing agencies with separate reporting requirements, OIP can more easily address the different circumstances and challenges faced by those agencies with smaller-volume FOIA workloads, while continuing to focus in-depth on those agencies that receive a higher volume of FOIA requests. For example, all agencies were required to answer questions about FOIA training, but high-volume agencies also had to provide more details about the types of trainings and conferences their staff attended. Additionally, high-volume agencies were required to provide details about their outreach to the requester community or civil society.

In addition to the tailored reporting requirements for high and low volume agencies, OIP also adjusted the questions from the 2014 Chief FOIA Officer Report Guidelines based on agencies' successes in meeting a number of milestones over the years. Updating the questions each year allows OIP, as well as the agencies themselves, to identify best practices and common challenges as we continue to refine our FOIA processes. For the 2015 Guidelines, OIP added new questions to each section of the Chief FOIA Officer Report.

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Specifically, for Section I of the Report addressing efforts to apply the presumption of openness, in addition to many of the questions asked in 2014, OIP required agencies to report on their efforts to inform non-FOIA professionals of their obligations under the FOIA. Such efforts can be particularly important to an agency's successful FOIA administration because as the Attorney General emphasized in his FOIA Guidelines, "FOIA is everyone's responsibility." For Section II of the 2015 Report which addresses the need for effective systems to respond to requests, agencies with decentralized FOIA processes were asked by OIP to report on any steps taken to make the routing of misdirected requests within the agency more efficient, or if this process is already efficient, to describe their process for routing requests. Reemphasizing [guidance](#) issued by OIP in 2013 on the importance of good communication with requesters, OIP required agencies to report on the type of information they provide requesters when communicating any assessment of fees.

In Section III, as in previous years, OIP asked agencies to report on their process for identifying records for proactive disclosure. OIP added a new question which asked agencies to report whether their process involved any collaboration with agency staff outside the FOIA office, and if it did, to describe this interaction. This new question reinforces the fact that program personnel outside agency FOIA offices are often in a good position to identify records for proactive release because of the nature of their work. In Section III OIP also asked agencies to report their process for identifying frequently requested records. The FOIA requires the proactive disclosure of records that an agency determines have become or are likely to become the subject of subsequent requests. Therefore, it is important for agencies to have procedures in place to identify frequently requested records for posting online.

In Section IV, agencies were asked by OIP to report whether their FOIA professionals interact with other agency staff, such as IT specialists or public affairs, to identify new ways to post agency information online. When agency professionals across disciplines collaborate, they can find innovative ways to post information online in formats most useful to the public, which may vary depending on the type and quantity of the records.

In Section V, OIP required agencies to provide more detailed information about the status of their backlogs. For the first time, OIP required agencies to report the percentage of requests and appeals that make up their backlog out of the total number of requests and appeals they received during the fiscal year. This metric was chosen as it provides greater insight into how an agency is managing its backlog as compared to the flow of incoming requests. OIP also updated the questions concerning the status of agencies' ten oldest requests. Agencies were asked to more specifically report on whether any of their ten oldest requests were withdrawn by the requester, and if so, if this action occurred after the agency provided an interim response, which might have satisfied the requester's needs.

Additional new questions were added by OIP to this section for 2015 that expanded agencies' reporting requirements on the use of multi-track processing and processing times. For example, in 2014 OIP asked agencies whether they had separate processing tracks for simple and complex requests, and if they did, to report on the average processing time for their simple track requests. OIP encourages agencies to strive towards processing the requests in their simple track in an average of twenty working-days or less. For 2015, in addition to these questions, OIP asked agencies to report on the percentage of their requests that fell into the simple track. This information, coupled with the agencies average

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processing time for simple requests, can be particularly useful when looking at agencies' timeliness in processing requests.

March 2014 marked the fifth year that agencies submitted to OIP their Chief FOIA Officer Reports describing the steps taken to improve their FOIA operations and facilitate information disclosure. All ninety-nine agency Chief FOIA Officer Reports were submitted to OIP for review in early 2014. OIP conducted a comprehensive review of all the Reports to ensure compliance with OIP's reporting guidelines and worked with the agencies to resolve any issues in their Reports prior to clearing them for posting. After the Chief FOIA Officer Reports were posted during Sunshine Week of 2014, OIP began a series of blog posts highlighting successes in FOIA administration for each of the five areas covered by the reports. These posts, [Applying the Presumption of Openness](#), [Effective Systems for Responding to Requests](#), [Increasing Proactive Disclosures](#), [Greater Utilization of Technology](#), and [Improving Timeliness and Reducing Backlogs](#), are discussed in greater detail in Section D, Disseminating Information Through FOIA Post, below.

OIP Guidance on Annual FOIA Reports

To assist agencies with their statutory reporting obligations, OIP continued to use and disseminate the comprehensive [Annual FOIA Report Handbook](#) compiled in 2013. The Handbook includes all of the legal, procedural, and technical requirements concerning agency Annual FOIA Reports. The [Handbook](#) contains all the legal requirements from the Department's [2008 guidance](#) on the content of agency Annual FOIA Reports, along with additional guidance and tips for compiling the report. The [Handbook](#) also contains instructions for using the Annual FOIA Report Tool developed by the Department. The [Handbook](#) centralizes all of the guidance and instructions for agency Annual FOIA Reports into one resource designed for both agency FOIA professionals and those professionals responsible for producing the Annual FOIA Report after the end of each fiscal year. The Handbook is a "living document" that OIP will continue to update as changes to legal, procedural, or technical requirements are made. The Department looks forward to working with agencies and finding new ways to further improve the Annual FOIA Report process in the upcoming years.

As was done with the Chief FOIA Officer Reports, OIP managed the submission of agency Fiscal Year 2013 Annual FOIA Reports by first reviewing all ninety-nine agency Annual FOIA Reports in draft form, then working with the agencies to resolve any issues, and finally clearing the Reports for posting. As further discussed below, OIP then created and made available on its website a summary of the key statistics reported by agencies in their Annual FOIA Reports.

OIP Guidance for Further Improvement Based on 2014 Chief FOIA Officer Report Review and Assessment

As noted above, in 2014 OIP conducted a detailed [assessment](#) of agencies' progress in improving transparency and implementing the [Attorney General's FOIA Guidelines](#) based on a review of their [2014 Chief FOIA Officer Reports](#) and the data reported in their [Fiscal Year 2013 Annual FOIA Reports](#). As a result of this review and assessment, on August 26, 2014, OIP issued [guidance](#) for all agencies to assist them in making additional improvements in the years ahead.

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OIP's [assessment](#) revealed that the vast majority of agencies are either holding training conferences or sending their FOIA professionals to training hosted by other agencies. These efforts varied by agency, however, with some agencies citing one or two training sessions attended by staff and others hosting multiple FOIA conferences and having all of their FOIA professionals attend regular training. OIP's [guidance](#) emphasized that a proper understanding of the FOIA, including the correct application of the statute's provisions and the [Attorney General's FOIA Guidelines](#), is the first step towards any successful FOIA administration. OIP's 2014 Chief FOIA Officer Report Guidelines required agencies to provide a plan for ensuring that substantive FOIA training is offered to all of their FOIA professionals by March 2015. Accordingly, OIP advised every agency to implement these plans and make core, substantive FOIA training available for all of their FOIA professionals at least once each year.

OIP's assessment also revealed that a number of agencies are still working towards the requirement that all of their FOIA and Privacy Act professionals are converted to the new Government Information job series. In recognition of the important role of FOIA professionals, and in an effort to professionalize the government's FOIA and Privacy Act workforce, on March 9, 2012 the Office of Personnel Management created this new job series and required agencies to convert eligible professionals by March 2013. OIP's guidance advised agencies to convert all eligible FOIA and Privacy Act professionals to the new job series in the upcoming year.

Finally, OIP encouraged agencies to add distinct steps in their FOIA processes to identify discretionary releases and to take an active role in making proactive disclosures. In reviewing agency Chief FOIA Officer Reports over the years, OIP has found a strong correlation between those agencies that took the time to review their records with the presumption of openness in mind and those that were able to find additional information that could be released. Furthermore, FOIA offices are uniquely situated within each agency to have a sense of material that is of interest to the public, and they should take an active role in identifying records for proactive disclosure.

"While program offices across each agency are all responsible for proactively disclosing information, FOIA offices should take an active role in identifying records for proactive disclosure."

*- OIP Guidance for Further Improvement
Based on 2014 Chief FOIA Officer Report
Review and Assessment*

OIP Guidance on Assigning Tracking Numbers and Providing Status Information for Requests (Updated Guidance)

On July 8, 2014, OIP issued [guidance](#) to agencies on the requirement to assign tracking numbers and provide status information for requests. This guidance updated OIP's [previous guidance](#) on the same topic issued in 2008. Both guidance documents explain the requirements that agencies must: 1) assign an individualized tracking number to requests that will take longer than ten days to process; and 2) establish a telephone line or Internet service that requesters can use to inquire about the status of their requests using the request's assigned tracking number. See 5 U.S.C. § 552 (a)(7). Both guidance documents also provide questions and answers regarding the implementation of these requirements.

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The 2014 guidance expanded on the 2008 guidance by providing additional information about calculating estimated dates of completion and communicating this information to the requester. As detailed in the guidance, agencies should keep in mind that often a requester will not know how complicated their request might be or understand the agency's processing procedures, but communicating estimated dates of completion provides an opportunity to explain the FOIA process to the requester. During the course of providing estimated dates of completion the agency also has a ready opportunity to discuss the scope of the request with the requester and to see whether the request can be revised in any way that will make processing more efficient.

The updated guidance also provides practical advice to agencies on the sometimes difficult task of estimating dates of completion when the time needed to process is not readily apparent or when a complex request could potentially take many months to complete. OIP's guidance emphasizes that agencies in such positions should provide a realistic estimate based on experience and average processing times. If an agency needs to revise its estimated processing time, it should be sure to update any estimates that are posted online so that they remain current and should provide updated information in response to phone inquiries. Providing realistic and up-to-date estimated completion dates are key to an agency's efforts to provide good communication and customer service to the requester.

OIP Guidance on Reducing Backlogs and Improving Timeliness

Reducing backlogs and improving timeliness are consistently among agencies' top priorities for FOIA administration. Therefore, OIP selected this topic to be the centerpiece of the [first Best Practices Workshop](#) established as part of the commitments in the United States' [Second Open Government National Action Plan](#) to further modernize FOIA. During this workshop, panelists from five different agencies shared their successes in reducing backlogs and improving timeliness. The agencies faced different challenges, but their approaches featured some common themes, which OIP summarized in the [guidance](#) it issued following the workshop.

As detailed in OIP's guidance, it is critical that agencies obtain leadership support for their backlog reduction efforts. Regular engagement with agency leaders helps increase awareness and accountability, makes it easier for FOIA professionals to obtain any additional necessary resources, helps to spread management responsibility for FOIA across the agency, and makes processing requests more efficient. It is also important for FOIA professionals to collect and regularly review data regarding backlogs and timeliness. Regular reviews allow agencies to make resource adjustments, achieve overall efficiencies, set processing goals, and ensure that the ten oldest requests, appeals, and consultations are worked on throughout the year allowing them to be closed by the end of the year. The effective use of resources, such as adding or modifying processing tracks and utilizing "intelligent case management," is also a key component of any agency's success in this area. Finally, the training and engagement of staff can also be a crucial element in successfully reducing backlogs and improving timeliness.

OIP Guidance on Ensuring Timely Determinations on Requests for Expedited Processing

On December 29, 2014, OIP issued [guidance](#) on providing timely responses to requests for expedited processing. Agencies must afford requesters expedited processing of their requests when the requester demonstrates a “compelling need,” or “in other cases determined by the agency.” 5 U.S.C. § 552(a)(6)(E)(i)(I), (II). The FOIA requires agencies to make a decision about whether to grant or deny expedited processing of a request, and to convey this decision to the requester, within ten days. Each year, agencies are required to report statistics on the number of expedited processing requests received, how they were adjudicated, and the processing times for adjudicating the requests in their Annual FOIA Reports.

As explained in OIP's guidance, agencies' procedures for adjudicating requests for expedited processing vary, but there are three key areas where agencies can look to improve this processing and find efficiencies that will help them meet their statutory obligations. First, agencies should screen all FOIA requests at the time of receipt to determine if expedited processing has been requested. Once a request for expedited processing has been identified, it should be flagged for handling and adjudicated promptly. Additionally, agencies should be alert to requests for expedition that may be made after the initial request is received. Finally, agencies should establish clear coordination procedures with other offices that are involved in making a determination on the request for expedited processing. By taking these steps, agencies can ensure they are responding to requests for expedited processing in a prompt and efficient manner.

B. Efforts to Promote Agency Accountability

The Department, through OIP, has engaged in a number of efforts to keep agencies accountable for their administration of the FOIA. During 2014, these efforts included publishing a [summary and detailed assessment](#) of agencies' progress based on the [2014 Chief FOIA Officer Reports](#), posting a detailed [summary of agencies' Fiscal Year 2013 Annual FOIA Reports](#), overseeing the government-wide [quarterly FOIA reporting requirement](#), and meeting with agency Chief FOIA Officers.

Summary of 2014 Chief FOIA Officer Reports and Assessment of Agency Progress in Implementing the President's and Attorney General's FOIA Memoranda

As discussed in the Policy Guidance section above, 2014 marked the fifth year in which agencies submitted their Chief FOIA Officer Reports to the Department of Justice. These reports detail each agency's efforts throughout the year in implementing the Attorney General's FOIA Guidelines. After reviewing all of the 2014 Chief FOIA Officer Reports for completeness and clearing them for posting, OIP undertook an extensive analysis of the reports to determine the government's overall progress in implementing the Attorney General's 2009 FOIA Guidelines and to identify any areas for improvement. As a result of this analysis, on August 26, 2014, OIP issued a comprehensive [Summary of Agency Chief FOIA Officer Reports for 2014 and Assessment of Agency Progress in Implementing the President's FOIA Memorandum and the Attorney General's FOIA Guidelines](#).

OIP's [narrative summary](#) of the Chief FOIA Officer Reports provides a wealth of examples from large and small agencies describing the various efforts made to implement

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each of the key areas addressed in the [Attorney General's FOIA Guidelines](#). The [summary](#) also highlights those areas in which improvements could be made such as adding distinct steps to identify discretionary disclosures and taking an active role in making proactive releases. OIP for the first time posted its summary as a five-part blog series that began during Sunshine Week in March 2014 and continued throughout the summer. Each post corresponded to a key area addressed in the Attorney General's Guidelines.

In addition to the [narrative summary](#), OIP for the third year created a [detailed assessment](#) of the efforts made by agencies in implementing the [Attorney General's FOIA Guidelines](#) and improving FOIA administration. As was done in 2013, OIP's assessment covered all ninety-nine agencies subject to the FOIA. In conducting this assessment, OIP identified and scored each of the ninety-nine agencies on several milestones tied directly to the five key areas addressed in the Attorney General's FOIA Guidelines, including efforts to conduct or attend FOIA training, the making of discretionary releases, improvements to efficiency, steps taken to increase proactive disclosures and make websites more useful to the public, and improvements in timelines and reductions in backlogs. To make the assessment progressively more challenging, and with the input of civil society, for 2014 OIP changed several of the milestones used in 2013 based on the progress agencies had already made in implementing the [FOIA Guidelines](#).

For 2014, OIP also expanded its scoring system to have five levels, instead of the previous three levels, to more accurately illustrate the levels of success achieved by agencies. An overall agency score was also provided for each of the assessed sections. Additionally, narrative information from agency reports was provided in the 2014 assessment for sections that did not lend themselves to scoring. Finally, OIP also included a detailed methodology of how each milestone was scored and how the overall scores for each section were calculated.

2014 Chief FOIA Officer Reports Assessment of Federal Departments and Agencies					
Agency	Acronym	Overall Score for Section I	Overall Score for Section II	Overall Score for Section III	Overall Score for Section V
Administrative Conference of the United States	ACUS	■	■	■	■
American Battle Monuments Commission	ABMC	■	■	■	■
National Railroad Passenger Corporation - Amtrak	Amtrak	■	■	■	■
Armed Forces Retirement Home	AFRH	■	■	■	■
Board of Governors of the Federal Reserve System	FRB	■	■	■	■
Broadcasting Board of Governors	BBG	■	■	■	■
Central Intelligence Agency	CIA	■	■	■	■
Chemical Safety and Hazard Investigation Board	CSB	■	■	■	■
Committee for Purchase from People Who Are Blind or Severely Disabled	CPPBSD	■	■	■	■
Consumer Financial Protection Bureau	CFPB	■	■	■	■
Commodity Futures Trading Commission	CFTC	■	■	■	■
Corporation for National and Community Service	CNCS	■	■	■	■
Council of the Inspectors General on Integrity and Efficiency	CIGIE	■	■	■	■
Council on Environmental Quality	CEQ	■	■	■	■
Court Services and offender Supervision Agency	CSOSA	■	■	■	■

2014 Chief FOIA Officer Report Assessment

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The issuance of this [comprehensive assessment](#) was designed to promote greater accountability in implementing the [Attorney General's FOIA Guidelines](#), and to encourage improvement in the government's FOIA administration, while also showcasing some of the impressive progress made by agencies over the past year. The assessment illustrates the many areas where agencies have made real progress as well as those areas where further improvements can be made. By assessing agencies on a wide variety of factors that all contribute to improving information disclosure, the public, as well as the agencies themselves, can readily see where agencies have excelled, and where further work can still be done, in improving the administration of the FOIA.

Summary of Agency Annual FOIA Reports and FOIA.gov

As noted above, each year agencies are required by law to submit an Annual FOIA Report to the Attorney General detailing a range of statistics regarding their agency's FOIA activities, such as the numbers of requests processed and received, and the time taken to process them. In addition to issuing guidance to agencies on the content of these reports and reviewing them for completeness, OIP, in accordance with [5 U.S.C. § 552\(e\)\(4\)](#), compiles and posts all agency Annual FOIA Reports on the [Reports](#) page of its website. For Fiscal Year 2014, ninety-nine reports were submitted and centrally posted on [OIP's website](#).

During 2014, OIP also uploaded the data for agencies' [Fiscal Year 2013 Annual FOIA Reports](#) onto [FOIA.gov](#), the Department's comprehensive, government-wide FOIA website, so that it could be easily sorted and compared by agency and over time. In addition to many other features, [FOIA.gov](#) shines a light on agencies' administration of the FOIA by taking the detailed statistics contained in the Annual FOIA Reports and displaying them graphically. Moreover, the website contains various featured reports that highlight key measurements, such as the number of FOIA requests received by agencies with law enforcement and intelligence missions and the government's overall backlog of FOIA requests for the past several years.

Further, in order to provide a snapshot of government-wide FOIA activity, every year as part of its review of agencies' Annual FOIA Reports, OIP issues a detailed summary of the information contained in these reports for the given fiscal year. On July 18, 2014, OIP issued its [Summary of Annual FOIA Reports for Fiscal Year 2013](#), which discusses the numbers of requests received and processed by agencies, the disposition of those requests, and details concerning the time taken by agencies to respond. The [summary](#) also provides details about the numbers of consultations and administrative appeals received and processed, as well as data on backlogs of requests and appeals. Finally, the summary provides overall figures for the numbers of personnel working on FOIA and the costs to the government.

For the fourth year, OIP prepared this detailed summary of agency Annual FOIA Reports by using [FOIA.gov](#), which allows for a detailed analysis of statistics that was not readily available in past years. This yearly summary of agencies' Annual FOIA Reports is useful for both agency personnel and open government groups, who continue to look forward to its issuance each year. The Summary provides both agencies and the public with an overall picture of FOIA processing government-wide.

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Through FOIA.gov and OIP's summary of the Annual FOIA Reports, the Department continues to shed an unprecedented amount of light on agencies' administration of the FOIA. By allowing the data from agency Annual FOIA Reports to more easily be compared across agencies and over time, the Department is ensuring that agencies are accountable for their FOIA administration and that the government is fully transparent concerning its FOIA responsibilities.

Quarterly Reporting Requirement

Pursuant to the [quarterly FOIA reporting](#) requirement instituted by OIP in January 2013, OIP continued to facilitate agencies' quarterly reporting of FOIA data in 2014. Through the use of APIs, agencies are required to post their quarterly data online and it then appears on FOIA.gov. The quarterly data consists of: the number of requests received during the reporting period, the number of requests processed during the reporting period, the number of requests in an agency's backlog at the end of the reporting period, and the progress being made to close the agency's ten overall oldest pending FOIA requests from the prior fiscal year. This quarterly reporting of FOIA data allows for a more real-time assessment of the flow of FOIA requests handled by the government throughout the year. The quarterly reporting of these key FOIA statistics not only provides the public with more timely access to important FOIA data, but it also assists agencies and agency components in actively assessing the state of their FOIA caseloads through the year in order to take the appropriate measures to reduce backlogs and improve timelines.

Meetings with Chief FOIA Officers

In yet another effort to assist agencies in their administration of the FOIA and to promote further accountability, in 2014 the Associate Attorney General, who is also the Department's Chief FOIA Officer, met with the Chief FOIA Officers from the agencies that receive and process the overwhelming share of the government's FOIA requests. At the meeting the Associate Attorney General and agency representatives discussed their implementation of the Attorney General's FOIA Guidelines and other open government initiatives. The Director of OIP also individually met with many of these Chief FOIA Officers to discuss their agencies' FOIA administration in further detail, including their performance based on the most recent Annual and Chief FOIA Officer Reports. These meetings have become an invaluable opportunity for the Chief FOIA Officers to hear directly from the Department of Justice as we promote the goals of the President's and the Attorney General's directives and reinforce our joint commitment to openness and transparency.

C. Counseling and Consultations

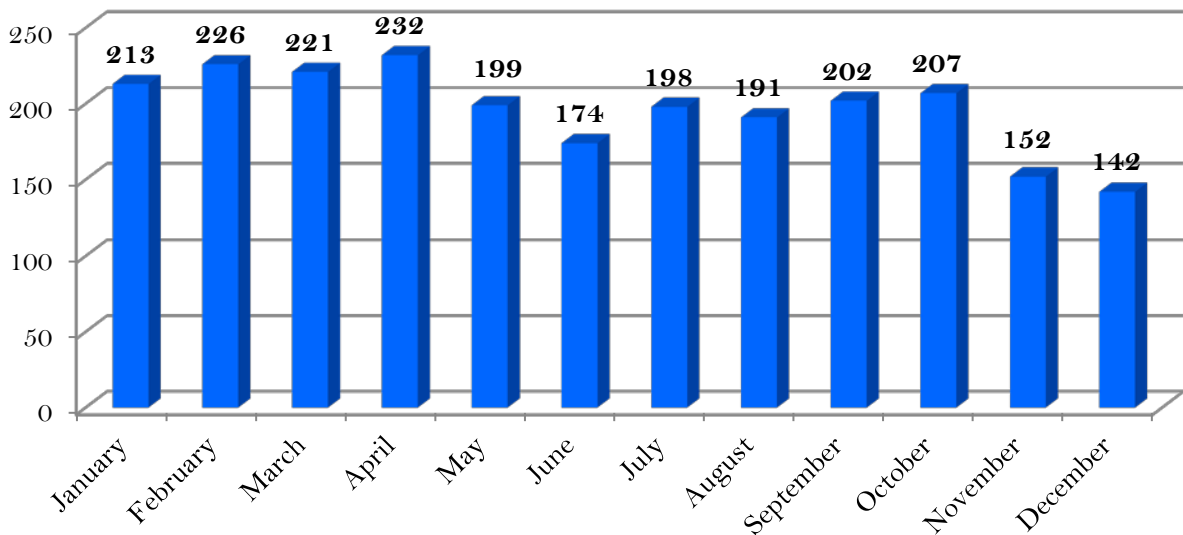
In addition to providing written policy guidance to agencies and conducting seminars on such guidance, OIP also provided [direct, one-on-one counseling](#) for agency personnel and other interested parties during 2014, as a further means of encouraging agency compliance with the FOIA. OIP's counseling activities were conducted largely over the telephone by experienced OIP attorneys known to FOIA personnel throughout the Executive Branch as "[FOIA Counselors](#)." Through this [FOIA Counselor service](#), OIP provided information, advice, and policy guidance to FOIA personnel government-wide, as well as to other persons with questions regarding the proper interpretation or implementation of the Act. OIP has established a special telephone line to facilitate its [FOIA Counselor service](#) – (202) 514-3642 (514-FOIA) – which it publicizes

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widely. While most of this counseling was conducted by telephone, other options were made available as well. The counseling services provided by OIP during the year are summarized below.

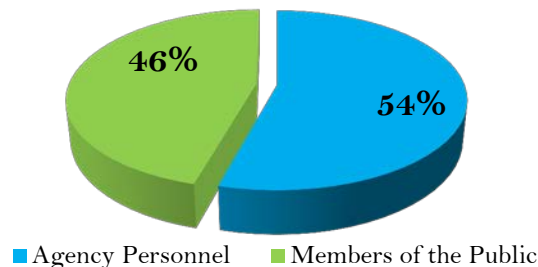
OIP provided [FOIA Counselor](#) guidance to agencies on a broad range of FOIA-related subjects, including guidance pertaining to the continued implementation of the [President's FOIA Memorandum](#) and the [Attorney General's FOIA Guidelines](#). Most of the [FOIA Counselor](#) calls received by OIP involve issues regarding proposed agency responses to initial FOIA requests or administrative appeals, but many are more general anticipatory inquiries regarding agency responsibilities and administrative practices under the Act. The Department of Justice specifies that all agencies intending to deny FOIA requests raising novel issues should consult with OIP to the extent practicable. See [28 C.F.R. § 0.24\(i\) \(2013\)](#). OIP has found that such consultations are very valuable in ensuring agency compliance with the Act. Over 2,350 requests for guidance were received by OIP through its [FOIA Counselor service](#) during 2014.

Calls to the FOIA Counselor by Month in 2014



Approximately forty-five percent of these calls were from members of the public. Often these individuals contact OIP with questions about how to make a FOIA request or locate a particular document.

Estimated Breakdown of Callers to the FOIA Counselors in 2014



Sometimes a determination is made that a [FOIA Counselor](#) inquiry requires more extensive discussion and analysis by OIP attorneys, including supervisory attorneys. On such occasions, OIP often convenes a meeting or teleconference between agency representatives and senior OIP staff to thoroughly discuss and resolve all factual, legal, and policy issues related to the matter. OIP conducts similar discussions within the Department of Justice as well.

An additional counseling service provided by OIP pertains to FOIA matters in litigation, where advice and guidance are provided at the request of the Department's litigating divisions. This service involves OIP review of issues and proposed litigation positions in a case from both legal and policy standpoints. Further, OIP is consulted in all instances in which the Department must decide whether to pursue a FOIA or FOIA-related issue on appeal. OIP is regularly consulted on all FOIA cases, as well as all FOIA-related issues, that are handled by the Office of the Solicitor General.

D. Disseminating Information through *FOIA Post*

OIP continued to disseminate information using the [FOIA Post blog](#) in 2014. In 2012 the Department enhanced its popular [FOIA Post](#), an online and cost-efficient replacement for OIP's longtime [FOIA Update](#) newsletter, by converting it into a blog. As the Department's first-ever [FOIA blog](#), the new, improved *FOIA Post* allows for quick transmittal of the most up-to-date FOIA news and information to both the public and government personnel. The blog includes a search feature that allows users to use key terms to search through all of OIP's blog posts for any information that is of particular interest. Similar full-text search tools are also provided for the archived articles issued through the original version of [FOIA Post](#) and [FOIA Update](#).

[FOIA Post](#) continued to serve as one of the primary means by which OIP disseminated information concerning the FOIA to government personnel during 2014. All the OIP guidance articles issued in 2014 were disseminated to agencies – and made available to the public – on *FOIA Post*. OIP also used *FOIA Post* to announce several Best Practices Workshops, the issuance of the abovementioned summaries and assessment of agencies' FOIA administration, and other relevant FOIA news. All training programs and FOIA conferences were likewise publicized on *FOIA Post*.

Best Practices Workshops

FOIA Post was used to summarize the best practices discussed during several *Best Practices* workshops held throughout the year. As part of the [Second Open Government National Action Plan's](#) commitment to further modernizing FOIA and improving internal agency FOIA processes, OIP held a series of agency *Best Practices* workshops beginning in 2014. Specifically, four workshops were held during 2014 on the following topics: [Reducing Backlogs and Improving Timeliness](#), [Proactive Disclosures & Making Online Information More Useful](#), [Best Practices from the Requester's Perspective](#), and [Implementing Technology to Improve FOIA Processing](#). Following each workshop, OIP published a summary of the best practices identified during the session on *FOIA Post*. OIP also created a [new section of its website](#) that compiles all of the best practices discussed as well as any related guidance or resources onto one page for easy access.

Successes in FOIA Administration

OIP also used the *FOIA Post* to publish a series of posts on agency successes in FOIA administration based on our review of agency [Chief FOIA Officer Reports](#). OIP launched the series during Sunshine Week 2014 and continued to post through the summer. OIP used *FOIA Post* to provide agencies and the public with a summary of the activities reported in the 2014 Chief FOIA Officer Reports, in advance of issuance of the assessment.

Agency Chief FOIA Officer Reports illustrate agencies' efforts to improve FOIA administration in the five key areas addressed by the [Attorney General's FOIA Guidelines](#): applying the presumption of openness; ensuring that there are effective systems in place for responding to requests; increasing proactive disclosures; increasing the utilization of technology; and improving timeliness and reducing backlogs. For each of the blog posts OIP focused on agencies' successes in one of the key areas identified by Attorney General Holder:

- [Part I: Applying the Presumption of Openness](#) discussed how agencies are successfully providing substantive FOIA training to agency personnel and engaging with civil society and the requester community to improve the customer experience and facilitate greater access to records.
- [Part II: Effective Systems for Responding to Requests](#) detailed affirmative steps agencies have undertaken to ensure that their FOIA systems operate efficiently and effectively.
- [Part III: Increasing Proactive Disclosures](#) highlighted examples of new or regularly updated information posted on agency websites and how agencies are taking steps to make this information more useful and widely available.
- [Part IV: Greater Utilization of Technology](#) discussed how many agencies are using technology to receive, track, and process requests, for instance by facilitating online tracking, sorting and de-duplicating documents, and improving search capabilities.
- [Part V: Improving Timeliness & Reducing Backlogs](#) provided an overview of agency success in improving timeliness and reducing backlog, specifically by using multi-track processing and closing the ten oldest pending requests, appeals, and consultations each year.

E. Use of Social Media

In an effort to reach a wider audience and disseminate important FOIA information as soon as practical, during 2014 OIP continued to use its [Twitter](#) account to notify interested parties of the Office's activities and the most recent FOIA news. In 2014, during two days of Sunshine Week, OIP "took over" the Department's Twitter account for two days to tweet facts about FOIA and open government. In [announcing the use of Twitter](#) through [FOIA Post](#), OIP noted that "[a]s agencies and offices continue to proactively disclose information online, it is important that the public be made aware of such releases [and that] . . . [s]ocial media offers government offices an efficient way to notify the public of proactive disclosures." OIP also noted that "by utilizing social media, agencies can rapidly convey information to a broad audience, in a timely fashion, keeping with the FOIA's goal of letting the public know what their government is doing."

F. Providing Additional FOIA Reference Materials

In addition to using [FOIA Post](#) to timely disseminate policy guidance and other useful information concerning the FOIA, OIP also creates or makes available additional FOIA reference materials for agencies to use.

Department of Justice Guide to the Freedom of Information Act

The preeminent reference document created by OIP is the [United States Department of Justice Guide to the Freedom of Information Act](#). This publication is a legal treatise on the FOIA and is widely relied on by government personnel as well as members of the public. The [Guide to the FOIA](#) contains an extensive discussion of the case law interpreting the FOIA's procedural requirements, its exemptions and exclusions, as well as litigation-related issues. The [Guide](#) also reflects the [President's](#) and [Attorney General's](#) Memoranda on the FOIA as well as all the changes made to the FOIA by the [OPEN Government Act of 2007](#).

OIP continued to update the [Guide to the FOIA](#) to reflect recent changes in FOIA law. In 2013, the [Guide](#) was transitioned from a paper publication to a 100% online resource that serves as a "living document" that is regularly updated to include significant new developments in FOIA as they occur. In addition to allowing for the more timely transmission of information to those who rely on the [Guide](#) to understand and implement the FOIA statute this online publication allows users to conduct keyword searches throughout the entire [Guide](#), and also includes links to source material. In 2014, OIP posted updated [Guide](#) chapters concerning: Exemption 5, Exemption 6, Exemption 7, and Exemption 7(B), Exclusions, Discretionary Disclosure, and Waiver.

Resources on Exemption 3 Statutes

In 2013, OIP established an independent section dedicated to Exemption 3 of the FOIA on the [FOIA Resources](#) page of its website. This section is designed to offer resources that will assist agencies in properly processing FOIA requests and aid requesters in understanding the scope of Exemption 3. In 2014, OIP added to this section of its website an [updated chart](#) of all the statutes reported in agencies' [Fiscal Year 2013 Annual FOIA Reports](#) as used by them in conjunction with Exemption 3. To further assist agencies in properly processing requests and in preparing their Annual FOIA Reports, in 2014 OIP also continued to update its chart of all [the statutes that courts have found to qualify as Exemption 3 statutes](#) under the FOIA. This chart, which includes a description of the material covered by the various statutes and the corresponding case citations, is also posted on the FOIA Resources page of OIP's website.

Summaries of Court Decisions

Each year the federal courts issue hundreds of decisions in FOIA cases, addressing all aspects of the law. These decisions shape the way the law is interpreted and applied by the thousands of attorneys and access professionals across the government who handle FOIA requests, administrative appeals, and litigation. To aid those professionals, in addition to substantive and procedural policy guidance, OIP provides agencies and the public with [detailed summaries](#) of every FOIA case decided in the United States, at both the district court and appellate levels. For every court decision in its summaries, OIP

highlighted each FOIA exemption and procedural or litigation-related issue that was discussed in the opinion. Because court decisions play such an important part in the interpretation of the FOIA and its proper administration, OIP provides these summaries to help ensure that all FOIA professionals have ready and current access to the most recently decided court opinions. All of the summaries are compiled in one central location on the [Court Decisions](#) section of OIP's website.

As reported last year, in 2013 OIP launched a new [Court Decisions](#) page which was the most significant update to this FOIA resource since its introduction. The new, enhanced [Court Decisions](#) page adds two powerful features for viewing and searching through OIP's case summaries while continuing to allow users the ability to view summaries by topic and chronologically. The first new feature improves upon users' ability to view case summaries by specific topics. Previously, these summaries were sorted into separate topical pages, with each page only containing those portions of the case summary that were relevant to the specific topic selected. For example, a court may have addressed both an agency's use of Exemption 5 and Exemption 6 in its decision, but the topical page for Exemption 5 would only list the relevant information for that exemption. On the new [Court Decisions](#) page, users are able to view the entire summary of the court's decision, including those portions relevant to the selected topic. Additionally, the summaries are fully tagged with all relevant topical categories, which can easily be accessed at the bottom of each summary. This allows users to continue their search of new topics as they read through case summaries.

The second new feature provides the capability for case summaries to be searched using any keywords or phrases that are of interest. Searches can even be conducted by specific courts. For example, a search using the terms "Exemption 6" and "S.D.N.Y" would produce all of the decisions involving Exemption 6 from the District Court for the Southern District of New York.

The new [Court Decisions](#) page contains all case summaries decided since January 2013 and each summary is posted based on the date the decision was issued by the court. Summaries of decisions decided between May 2009 and December 2012 are available in the [Court Decisions Archive](#). As more decisions are added, the list of available topical categories will be expanded to cover all the areas addressed by the courts. OIP believes that the enhancements made to this new page will continue to make these summaries a valuable FOIA resource for both agencies and the public.

Centralized Access to all Agency Annual FOIA Reports

As noted above, agencies are required to compile and submit to the Attorney General an Annual FOIA Report each year in accordance with [5 U.S.C. § 552\(e\)\(1\)](#). In 2013, for the seventh year in a row, OIP completed and posted the [Department's Annual FOIA Report](#) in advance of the statutory deadline. By completing and publicly posting the [Department's Annual FOIA Report](#) early, OIP continues to serve as an example to other agencies.

As mentioned above, as part of its government-wide guidance responsibilities, every year OIP reviews each agency's Annual FOIA Report prior to it being posted. Once they are finalized, OIP makes all of the agency Annual FOIA Reports promptly available on its central electronic site. In 2014, OIP continued this practice of reviewing all agencies' Annual FOIA Reports prior to their being posted. This review was conducted in accordance

with a [2002 Government Accountability Office \(GAO\) report](#) which encouraged such discretionary OIP review activities and found that they "have resulted in improvements to both the quality of agencies' annual reports and on-line availability of information." A [follow-up GAO study](#) published in 2004 likewise found improvements in agencies' annual reporting due to OIP's government-wide review efforts.

In accordance with another provision of the FOIA, [5 U.S.C. § 552\(e\)\(4\)](#), the Department of Justice in 2014 maintained "[a single electronic access point](#)" for the consolidated availability of the Annual FOIA Reports of all federal agencies. In 2014, OIP posted all agency Annual FOIA Reports in a human-readable and uniform "open" format on its centralized Annual FOIA Report website.

Proactive Disclosures

In keeping with the Attorney General's focus on increasing proactive disclosures, OIP proactively posted a variety of information concerning the FOIA that is useful to both agencies and the public alike on its website. In 2014, OIP continued to update the [FOIA Resources](#) section of its website with the Exemption 3 charts discussed above. As noted above, OIP also posted government-wide [guidance](#) on the FOIA on its website and regularly used its blog, [FOIA Post](#), to notify agencies and the public about new FOIA developments and events. Under the [Court Decisions](#) section of OIP's website, OIP regularly posted summaries of the new FOIA decisions issued by the federal courts. OIP also continued to update the [Training](#) section of its website to notify agency personnel and the public of upcoming FOIA training opportunities and Requester Roundtables. The [Key Dates and Reporting Requirements](#) section was also updated throughout 2014 with a calendar of key FOIA events, including training sessions, workshops, and conferences, as well as key deadlines for federal agencies. The calendar is presented both chronologically, by month, and topically.

"The President's memorandum instructs agencies to 'use modern technology to inform citizens what is known and done by their Government.' Accordingly, agencies should readily and systematically post information online in advance of any public request."
- Attorney General Eric Holder

OIP continued to update its [FOIA Library](#) in 2014 by posting FOIA-processed documents such as the [Deputy Attorney General Memorandum for All Department of Justice Employees Concerning the Personal Use of Social Media](#), and continued to post updates to the [Calendar of Public Events for the Attorney General and other Senior Department Officials](#). 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. Further, OIP and the Office of Public Affairs posted [Calendars](#) for the Attorney General and other Senior Department Officials.

As noted above, for additional reference purposes, OIP continued during 2014 to make available on its website all issues of the [original FOIA Post](#), as well as OIP's former newsletter, [FOIA Update](#), in a digital and keyword searchable format.

FOIA Reference Guide

OIP also continued to maintain on the Department's FOIA website an electronic copy of its [Department of Justice Freedom of Information Act Reference Guide](#), which provides the public with information about how to make a request to the Department, describes how the FOIA process works, and contains descriptions of each of the Department's components and the type of records they maintain.

G. Additional Government-wide Initiatives for Further Improving the Administration of the FOIA

During 2014, OIP made substantial progress on five new initiatives from the [United States' Second Open Government National Action Plan](#) and the commitment in that Plan to further modernize FOIA administration. The first initiative is to establish a consolidated online FOIA service that allows the public to submit a request to any Federal agency from a single website and includes additional tools to improve the customer experience. During 2014, the Department collaborated with the General Services Administration (GSA) and worked with an interagency task force to guide this project and gather input from civil society and agency stakeholders. The Department and GSA will continue this work in 2015 as we prepare to launch the first iteration of this feature.

The second initiative is to standardize common aspects of the FOIA process by developing core FOIA regulations and common practices for federal agencies. In 2014, OIP launched this project by meeting with both agencies and civil society to get all of their initial input. OIP then formed an interagency taskforce which began the process of exploring the streamlining of agency FOIA regulations. Throughout the process of developing common regulations and practices OIP and the working group has been, and will continued to be, engaged with civil society.

The third initiative is to improve internal agency FOIA processes by leveraging best practices and successful strategies across the government. As discussed above, in 2014 OIP launched a series of Best Practices Workshops to convene agency FOIA professionals and members of the requester community to share best practices in FOIA administration. Each workshop focuses on a specific topic in FOIA administration where agency representatives with particular success on those topics share their best practices and successful strategies. These workshops provide a unique opportunity for agencies to learn from each other and apply innovative solutions to their own FOIA practices. OIP publishes the best practices discussed at the Workshops, as well as any related guidance or resources, [on its website](#) as a reference for all agencies.

The fourth initiative which the Department has spearheaded is to improve FOIA training by making standard e-Learning resources available for all federal employees. In 2014 OIP worked on the development of a new suite of government-wide FOIA training resources designed for every level of the federal workforce from the senior executive, to the FOIA professional, to the everyday federal employee who should have a basic understanding of the FOIA. The new training tools, which were released by OIP in March 2015, include:

- An infographic that can serve as a resource on FOIA basics for all employees new to the federal workforce;

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- A brief video from the Director of OIP aimed at senior government executives, which provides a general overview of the FOIA and emphasizes the importance of their support to their agency's FOIA program;
- An in-depth e-Learning training module specifically designed for FOIA professionals which addresses all the major procedural and substantive requirements of the law, as well as the importance of customer service; and
- A separate e-Learning training module for the everyday federal employee that provides a primer on the FOIA and highlights ways in which they can assist their agency in administering the law.

This new suite of FOIA training tools not only provides important resources for all agencies, but it reemphasizes the important message from Attorney General Holder's FOIA Guidelines that "FOIA is everyone's responsibility."

Finally, as part of the fifth initiative to engage in outreach with agencies and the civil society on improvement to FOIA, the Director of OIP serves as a government member of the newly formed FOIA Federal Advisory Committee. The FOIA Advisory Committee met twice in 2014 (June 24 and October 21) and discussed a range of issues related to FOIA administration, including assessment of fees under the statute and proactive disclosures.

H. Outreach

To improve not only the Department's, but also the government's overall FOIA administration, the Department has been heavily engaged in outreach with the requester community and civil society in a variety of ways. First, OIP continued its [Requester Roundtable Series](#), where the public is able to meet with OIP's Director and representatives from other agencies to discuss various topics in FOIA administration. During the Requester Roundtable held this reporting period, OIP, in conjunction with the Office of Government Information Services, held a discussion focused on how agencies provide estimated dates of completion to FOIA requesters. After this discussion with both the requester community and agency personnel, OIP issued updated [guidance](#) on the topic to reinforce the importance of this key FOIA provision and to provide further instruction to agencies on its implementation. The guidance is entitled "Assigning Tracking Numbers and Providing Status Information for Requests" and is available on OIP's website.

Second, OIP focused one of its workshops in its new Best Practices series on [Best Practices from the Requesters' Perspective](#). OIP convened a panel of representatives from civil society and the media, who highlighted best practices that they have seen or would like to see by federal agencies. The workshop provided another fruitful forum for both the Department and agencies to collaborate with the requester community in finding new ways to improve the FOIA process for both requesters and agencies alike.

The Department was also very engaged with the public in preparing its Open Government Plan 3.0, which has several elements related to FOIA. From the outset of drafting the Plan, the Department invited the public to provide suggestions on initiatives that should be considered. During the formulation of the Plan, the Associate Attorney

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General, who is also the Department's Chief FOIA Officer, and the Director of OIP, met with interested members of civil society during one of the Department's FOIA Council meetings. The FOIA Council was established by the Associate Attorney General to serve as a high-level forum within the Department for the heads of each component to discuss our overall administration of the FOIA. This meeting provided an ideal platform for the Department's Chief FOIA Officer and senior FOIA leadership to discuss important issues in FOIA with civil society. The feedback received during this meeting was incorporated in the Department's final Plan issued on June 1, 2014.

OIP has also regularly engaged civil society on the five initiatives mentioned above as part of our work on the Department's Open Government Plan and the United States' Second Open Government Partnership National Action Plan. Finally, as in past years, OIP also engaged civil society in conjunction with release of its annual summary and assessment of agency Chief FOIA Officer Reports. After discussing the content and methodology of the 2014 assessment with civil society representatives, OIP solicited suggestions for the upcoming year. Many of those suggestions were incorporated by OIP in the guidelines issued for the 2015 Chief FOIA Officer Reports.

FOIA.gov

With well over two million visitors since it was launched in 2011, FOIA.gov continues to revolutionize the way in which FOIA data and information is made available to the public. While it was initially a project undertaken by the Department in response to a strong interest by open government groups to have a "dashboard" that illustrates statistics collected from agencies' Annual FOIA Reports, the Department almost immediately began to expand its capabilities and has continued to add new features over time.

As described above, FOIA.gov takes the detailed statistics contained in agency Annual FOIA Reports and displays them graphically. The website allows users to search and sort the data in any way they want, so that comparisons can be made between agencies and over time. In 2014, the Department added the data from agencies' Fiscal Year 2013 Annual FOIA Reports so that it too can now be sorted and compared. New charts and graphs were added that showed the evolution of key FOIA statistics over the past four fiscal years. During 2014, OIP and the Department also captured on FOIA.gov's [Reports](#) page agencies' Quarterly Report data. FOIA.gov was also updated throughout 2014 with recent FOIA news and spotlights on the new releases agencies have made that are likely to be of interest to public.

FOIA.gov also serves as an educational resource for the public by providing useful information about how the FOIA works, where to make requests, and what to expect through the FOIA process. Explanatory videos are embedded into the website and the site contains a section addressing frequently asked questions as well as a glossary of FOIA terms. The website also provides updated contact information for each agency, including their Chief FOIA Officer and all their FOIA Requester Service Centers and FOIA Public Liaisons. Additionally, the site includes hyperlinks to over 100 agency online request forms, including OIP's online portal which



allows the public to make and track the status of their requests and administrative appeals. With this added feature, when a requester is on the site and decides to make a request to an agency with an online request-making capability, he or she may do so directly from FOIA.gov with just a couple of clicks.

In addition to these resources, FOIA.gov offers users a "[Find](#)" feature that allows the public to enter search terms to locate information on any topic across all federal government websites. The search feature captures not just those records posted in agency FOIA Libraries, but also records posted anywhere on an agency's website. This more expansive search capability is particularly significant given the steady stream of information that agencies are proactively making available on their websites. FOIA.gov's "[Find](#)" feature provides an easy way for potential FOIA requesters to first see what information is already available on a topic. This might preclude the need to even make a request in the first instance, or might allow for a more targeted request to be made.

Finally, in keeping with the Department's commitment to making government more transparent and accessible, FOIA.gov offers select content in English and Spanish. Individuals with limited English proficiency can now access the [Spanish translations](#) for the "What is a FOIA?" and "Learn" sections of FOIA.gov.

I. Training, Public Presentations, and Briefings

As yet another method for encouraging compliance with the FOIA, OIP held a [variety of training programs](#) throughout the year. These programs included continued training on the [President's](#) and [Attorney General's](#) FOIA Memoranda. During 2014, OIP furnished speakers and workshop instructors for seminars, conferences, individual agency training sessions, and similar programs conducted to promote the proper administration of the FOIA within the Executive Branch. Additionally, OIP conducted presentations aimed at fostering a greater understanding of the Act's administration outside the Executive Branch. This included developing a greater international understanding of the FOIA.

In conjunction with the Department of Justice's National Advocacy Center, OIP conducted numerous FOIA-training programs in 2014, which ranged from half-day introductory sessions for non-FOIA personnel to advanced programs for highly experienced FOIA personnel. OIP's basic two-day training course entitled "The Freedom of Information Act for Attorneys and Access Professionals" was conducted four times and the course entitled "Introduction to the FOIA" was conducted once.

For those agency personnel who already have experience working with the FOIA, in 2014 OIP held an "Advanced Freedom of Information Act Seminar." This seminar provides advanced instruction on selected substantive and procedural topics under the FOIA, including up-to-date policy guidance.

OIP also conducted a "FOIA Litigation Seminar." The seminar, designed for agency attorneys and FOIA personnel, focused on the issues that arise when FOIA requests become the subject of litigation. The course provided guidance on successful litigation strategy and addressed "Open America" stays and the preparation of [Vaughn](#) indices and declarations.

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In 2014, pursuant to the Second Open Government National Action Plan, OIP launched a series of Best Practices Workshops. The Best Practices Workshops are designed to provide an opportunity for FOIA professionals and members of civil society to share best practices in FOIA administration. In 2014, the Workshops covered: [Reducing Backlogs and Improving Timeliness](#), [Proactive Disclosures & Making Online Information More Useful](#), [Best Practices from the Requester's Perspective](#), and [Implementing Technology to Improve FOIA Processing](#).

OIP also co-hosted a [Proactive Disclosures Workshop](#) in coordination with the White House Open Government Team. This workshop brought together diverse government personnel from agency FOIA, public affairs, and open data offices to facilitate collaboration between and across agencies to improve proactive disclosure processes. The workshop consisted of break-out sessions, first grouped according to the participants' specialties across agencies, then grouped by the participants from the same agency to apply what they had learned from the first break-out session to their own agency. The participants were energized by the possibilities for improving proactive disclosures that they discussed with one another and planned to implement at their agencies.

Recognizing that travel requirements limit the ability of some FOIA personnel to attend training sessions in Washington, DC, OIP provided training on-site to the Department of Homeland Security, U.S. Citizenship and Immigration Services in Missouri.

Building on the effort to make important FOIA training available to all federal employees, during 2014 as discussed above, OIP developed a suite of four e-Learning training resources specifically designed for all levels of the federal workforce from the senior executive, to the FOIA professional, to the everyday federal employee whose records are subject to the FOIA.

Twenty-four professional staff members from OIP gave a total of 76 training presentations during the year, including several training sessions designed to meet the specific FOIA-training needs of individual agencies. Such individualized training sessions were conducted for the:

- Department of Agriculture,
- Department of Defense,
- Department of Health and Human Services,
- Department of State,
- Department of Treasury,
- Census Bureau,
- Consumer Financial Protection Board,
- Environmental Protection Agency,
- Export-Import Bank,
- Nuclear Regulatory Commission,
- Office of the Director of National Intelligence,
- Office of Government Ethics,
- Office of Personnel Management, and
- Securities and Exchange Commission.

In addition, OIP provided training for components of the Department of Justice. In 2014, approximately 1,550 individuals were trained by OIP-sponsored training alone.

Furthermore, in 2014, OIP professionals gave training presentations at seminars hosted by the American Society for Access Professionals, an association which includes members of the FOIA requester community as well as agency FOIA professionals. OIP also held two meetings specifically with requesters about the e-Learning training modules and the development of a set of common FOIA regulations. Additionally, in 2014 OIP trained FOIA professionals through its newly created Best Practices Workshop series, described above. This series includes sessions that are also open to any interested members of the FOIA community. These events continue to serve as a unique opportunity for the requester community and OIP's FOIA professionals to engage in a dialogue and share ideas for improving FOIA administration.

During 2014, the Director of OIP gave a total of forty-four presentations at a variety of FOIA-training programs and other forums. In addition to the training programs described above, the Director and other senior OIP staff met with a number of representatives from foreign countries interested in learning about the American experience with open government, particularly in light of the Administration's FOIA Memoranda.

J. Legislative and Regulatory Proposals

During 2014, OIP reviewed numerous draft or preliminary legislative proposals relating to the FOIA or to information policy more generally. As a result of this review, OIP made recommendations in many instances, most frequently in connection with the technical sufficiency of proposed statutory nondisclosure provisions intended to serve as Exemption 3 statutes under the Act. OIP likewise identified issues and suggested revisions to language contained in proposed FOIA regulations submitted by agencies.

K. Congressional and Compliance Inquiries

In 2014, OIP responded to seventeen congressional inquiries pertaining to FOIA-related matters. OIP also received twelve matters from members of the public who had concerns about how the FOIA was being administered at an agency. In response to these compliance inquiries, OIP discussed the issues with the agency involved and, whenever appropriate, made recommendations on the steps needed to address the concern.

LISTS OF FOIA LITIGATION CASES RECEIVED AND DECIDED DURING 2014

In accordance with [5 U.S.C § 552\(e\)\(6\)](#), the Department of Justice attaches to this report two separate lists of FOIA litigation cases for 2014. These lists will also be posted on OIP's website in an "open" format so that the public may manipulate and sort through the data in accordance with their particular interests.

List of Cases Received in 2014

As required by the statute, the first list contains all of the cases filed as FOIA claims in federal district court during 2014. This information is derived directly from the federal

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courts' docketing systems through the Public Access to Court Electronic Records ([PACER](#)). According to PACER, in 2014, 462 cases were filed in the federal district courts as FOIA claims. It is important to note, however, that not all claims that are originally filed as FOIA claims remain as such on the court's docket. In many instances a court will determine after a case is filed that the lawsuit does not actually pertain to an agency action under the FOIA. During 2014, OIP observed over 28 cases in which the courts dismissed claims because they were not actually FOIA actions. This can happen, for example, when a requester attempts to file a lawsuit against a state agency or public organization that is not subject to the FOIA. This list does not include those cases.

As a point of reference, during Fiscal Year 2014 the government overall received 714,231 FOIA requests. In comparison to the number of lawsuits filed during Calendar Year 2014, this only amounts to .06% of the requests agencies reported receiving in Fiscal Year 2014.

List of Decisions Rendered in 2014

The second list attached to this report contains all of the FOIA cases in which a decision was rendered by the federal courts in 2014. The list was compiled through the [Summary of Court Decisions](#) issued by OIP on a weekly basis and a survey of [PACER](#). The list is organized alphabetically, and as required by [Section \(e\)\(6\) of the FOIA](#), contains a description of the disposition in each case, the exemptions (if any) involved, and any costs, fees or penalties.

The list does not include cases that were dismissed as non-FOIA claims (e.g. a case brought against a state agency) or "reverse" FOIA lawsuits, which are actions brought under the Administrative Procedure Act. They do include cases involving the National Labor Relations Board, the Securities and Exchange Commission, the Equal Employment Opportunity Commission, the Tennessee Valley Authority, and the National Railroad Passenger Corporation, all of which, by statutory authority or agreement with the Attorney General, handle FOIA cases in which they are the defendant. Finally, it should be noted that this list of cases may include cases which were listed in previous reports. For example, a case initially decided in 2013, but appealed and affirmed in 2014, would be found on the lists of cases in which a decision was rendered for both 2013 and 2014.

Report on any Notification to the Special Counsel

During 2014, the United States courts made no written findings pursuant to [5 U.S.C. § 552\(a\)\(4\)\(F\)\(i\)](#). Accordingly, no notification to the Special Counsel was necessary.