



**DEPARTMENT OF DEFENSE  
CHIEF FREEDOM OF INFORMATION ACT  
OFFICER REPORT  
FOR 2015**

Preparation of this study/report cost the  
Department of Defense approximately \$52,000 for the 2015 Fiscal Year.

**DEPUTY CHIEF MANAGEMENT OFFICER**

**2015 Chief FOIA Officer Report**  
**Department of Defense (DoD) Chief FOIA Officer,**  
**Assistant Deputy Chief Management Officer, David Tillotson, III**

**Executive Summary**

The Office of the Secretary of Defense underwent a major reorganization during the reporting period, and one of the results of the reorganization was the transfer of the responsibility of DoD Chief FOIA Officer from the Director of Administration and Management to the Deputy Chief Management Officer (DCMO). Because the position of DCMO is vacant, Mr. David Tillotson III, the Assistant Deputy Chief Management Officer, is performing the duties of the DCMO, including the duties of the DoD Chief FOIA Officer. Additionally, the Office of the Deputy Chief Management Officer assumed increased responsibility, to include transparency initiatives and FOIA policy, resulting in the newly formed Transparency Office within the Directorate for Oversight & Compliance. The Department experienced a seamless transition, with Mr. Tillotson receiving several FOIA briefings from the outgoing Chief FOIA Officer, Mr. Michael Rhodes, as well as FOIA experts from the Transparency Office. As such, DoD leadership continues to be dedicated to the success of the Department's FOIA programs throughout its 32 components located around the world, to ensure continued emphasis on training, reducing backlogs, closing the Department's ten oldest requests, consultations and appeals, and to ensure that the DoD FOIA community has the resources needed to keep the FOIA programs running efficiently to meet the President's Open Government goals.

This commitment of leadership was evident, with 93% of DoD Components reporting their FOIA professionals attended training and more than half of the components indicating that they conducted training for their own personnel. Components continued to be heavily engaged in proactively posting material to websites and in fostering a more transparent environment. In support of proactively posting material, FOIA professionals met with document owners within their components and sought opportunities to ensure greater transparency of information by encouraging reviews of information that had not been requested, but information that would likely be of interest to members of the public.

Forty-four percent of DoD Components reduced request backlogs and DoD closed all of its ten oldest consultations and appeals and eight out of ten of its oldest requests. Ninety-three percent of requests that fell within the category of "Simple" were processed in 20 days or less, 81% of requests that fell within the "Complex" category were processed within 100 days, and 93% of all DoD FOIA requests were closed within 100 days of receipt.

On behalf of the DCMO, the Transparency Office oversees all FOIA policy matters within the DoD. This report encompasses the execution of efforts by the Transparency Office and all 32 DoD Components.

<b>AIR FORCE</b>	Department of the Air Force
<b>AFRICOM</b>	U.S. Africa Command
<b>ASBCA</b>	Armed Services Board of Contract Appeals
<b>ARMY</b>	Department of the Army
<b>CENTCOM</b>	U.S. Central Command
<b>DCAA</b>	Defense Contract Audit Agency
<b>DCMA</b>	Defense Contract Management Agency
<b>DeCA</b>	Defense Commissary Agency
<b>DFAS</b>	Defense Finance and Accounting Service
<b>DHA</b>	Defense Health Agency
<b>DIA</b>	Defense Intelligence Agency
<b>DISA</b>	Defense Information Systems Agency
<b>DLA</b>	Defense Logistics Agency
<b>DoDEA</b>	Department of Defense Education Activity
<b>DoD IG</b>	Department of Defense Inspector General
<b>DSS</b>	Defense Security Service
<b>DTIC</b>	Defense Technical Information Center
<b>DTRA</b>	Defense Threat Reduction Agency
<b>EUCOM</b>	U.S. European Command
<b>JPRA</b>	Joint Personnel Recovery Agency
<b>NAVY</b>	Department of the Navy
<b>NGA</b>	National Geospatial-Intelligence Agency
<b>NGB</b>	National Guard Bureau
<b>NORTHCOM</b>	U.S. Northern Command

<b>NRO</b>	National Reconnaissance Office
<b>NSA</b>	National Security Agency
<b>OSD/JS</b>	Office of the Secretary of Defense/Joint Staff
<b>PACOM</b>	U.S. Pacific Command
<b>SOCOM</b>	U.S. Special Operations Command
<b>SOUTHCOM</b>	U.S. Southern Command
<b>STRATCOM</b>	U.S. Strategic Command
<b>TRANSCOM</b>	U.S. Transportation Command

**2015 Department of Defense (DoD)  
Chief Freedom of Information Act (FOIA) Officer's  
Report to the Department of Justice**

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## **Section I: Steps Taken to Apply the Presumption of Openness**

### ***FOIA Training:***

The DoD remained unwavering in its commitment to operate its FOIA programs with the “Presumption of Openness” across the 32 DoD Components. Recognizing that quality training is key to the success of any FOIA program, leadership demonstrated that keeping the FOIA community trained and fully engaged in conducting training were top priorities. The Transparency Office is developing its training program around a three-prong approach. These three prongs are in-person seminars/workshops, online training, and discussion chats via Defense Contact Online (DCO). Overall, this approach resulted in 93% of DoD Components reporting that their DoD FOIA professionals and attorneys attended FOIA training over the past year, a 29% increase over the previous year.

As resources once again became available for travel and training, DoD FOIA professionals and attorneys attended FOIA training sponsored by the DoD, the Department of Justice (DOJ), the Office of the Director of National Intelligence, the Graduate School USA, and the American Society of Access Professionals. Additionally, the following DoD Components conducted their own in-house FOIA training: Army, Navy, Air Force, AFRICOM, CENTCOM, DCAA, DCMA, DHA, DIA, DoDIG, DSS, DTRA, NGA, NGB, NORTHCOM, NSA, OSD/JS, SOCOM, SOUTHCOM, and TRANSCOM. While most of this training conducted by the components was substantive and covered the application of the law and policy, two components, Navy and NGA, recently implemented new FOIA tracking systems and focused their training efforts on getting their FOIA professionals and attorneys up to speed on the use of these new systems. Some substantive training efforts performed at other DoD Components included the following:

- OSD/JS conducted regular FOIA training sessions for its FOIA staff throughout the year and provided training to subject matter experts (SMEs) who are regularly tasked for input on FOIA requests involving their areas of expertise. Topics included fee issues, application of exemptions, organizational structure of the DoD, referral and consultation procedures, and working with FOIA requesters.
- The Army Records Management and Declassification Agency (RMDA), which provides oversight for the Army FOIA Program, conducted small group instructions via video teleconference (VTC), telephone and email, and posted, on its website, training and guidance on FOIA processing. In addition, Army activities conducted their own localized FOIA training for their personnel. For example, a robust training program is underway at the Intelligence and Security Command (INSCOM), where FOIA personnel provide quarterly training at various locations. In March 2014, INSCOM personnel provided FOIA training in Germany and stateside at Ft. Huachuca, Arizona. Upcoming training is scheduled in Korea, March 2-4, 2015, and in Hawaii, March 31, 2015, through April 3, 2015. The Installation Management Command (IMCOM) developed a training curriculum at their “FOIA Academy” which provides detailed training on the IMCOM policy and procedures applicable to FOIA public laws, policies, and directives to ensure the IMCOM FOIA program is

delivered to customers in a standard and consistent manner. Close to 100 FOIA professionals attended the IMCOM FOIA Academy during the reporting period.

- Air Force conducted a significant amount of its training via the virtual environment by continuing to implement the electronic alternatives embraced due to last year's funding constraints which limited face-to-face group instruction. All airmen were presented with FOIA refresher training during their annual Total Force Awareness Training. Air Force FOIA professionals participated in three DCO training courses, focusing on Air Force implementation of FOIA requirements and improving FOIA processing. Air Force hosted bi-weekly FOIA/Privacy teleconferences to train and to maintain situational awareness for the Air Force FOIA and Privacy professionals. Air Force FOIA conducted regional training conferences to bring the trainer closer to the field staff. The workshops covered FOIA, Privacy, and records management issues with an emphasis on day-to-day problems, procedures and processes. The expectation is that more Air Force FOIA professionals will be permitted to travel if the training event is held at an Air Force facility. Additionally, the Air Force provided training to its FOIA professionals by way of an online module, where training was completed online, the participants were tested at the end of the modules and completion and validation was provided when the participant successfully executed the test.
- DIA conducted four training sessions on FOIA and on their redaction software to SMEs, one training session on identifying Intelligence Report equities to personnel from other government agencies, internal FOIA training to its FOIA Staff, to include training on Exemption 1, Exemption 5, equities of other government agencies, the Privacy Act, classification coversheets, tasking, correspondence, and a session on previously processed documents.
- DLA provided Exemption 4 training to over 20 attorneys and FOIA professionals and quarterly FOIA conference calls to its FOIA professionals and attorneys on, among other topics, DLA FOIA processing policy and the use of its FOIA tracking software.
- DoDIG held weekly meetings with its FOIA staff to discuss current and relevant FOIA issues and provided monthly training to discuss administrative procedures, referrals/consultations, equity recognition and on processing senior official requests, criminal investigations, hotline reports, and audits.
- NGB conducted training on processing requests for investigations, the use of technology for processing FOIA requests, processing referrals, and the application of redactions. Additionally, NGB maintained a comprehensive internal website on Guard Knowledge Online with helpful reference tools and copies of training presentations for individuals unable to attend training events.
- NSA presented four briefings to members of its workforce to discuss the protection and release of information under the FOIA, which included a detailed briefing on FOIA and the link between FOIA and Internal Protocol Security; a FOIA Overview briefing on search and review requirements; a FOIA/PA information briefing to an

office of 25 personnel under the NSA Chief of Staff; and a FOIA process briefing to Classification Advisory Officers assigned to the Information Assurance Directorate. Modules discussing FOIA requirements were included in two on-line training courses at NSA. Additionally, NSA has a required class for all employees, Records Management Annual Awareness Training, which discusses the impact that proper records management has on the FOIA, and it also discussed the handling of protected information and how FOIA reviews for declassification and release are performed in its Intermediate Classification Principles Training class.

- SOUTHCOM conducted eight training sessions with new action officers on FOIA Exemptions 1, 3, 6 and 7.

The Transparency Office hosted a three-day Freedom of Information/Privacy Act (FOIA/PA) Training Workshop in the National Capital Region in June 2014. Well over 300 FOIA professionals and attorneys attended this training workshop in-person at the Mark Center in Alexandria, VA, and over 100 worldwide participated via video teleconference. Topics presented at the workshop were as follows: DoD FOIA Policy, Exemptions 4, 5, 6, and 7, document declassification; fees and fee waivers; Inspector General investigations; intelligence reports; litigation considerations; mechanics and best practices of redacting documents; Privacy Act conditions of disclosure; privacy concerns with information sharing and social media; and records management. DoD instructors for this training were from the Transparency Office, the Freedom of Information Division, OSD/JS, U.S. Army Corps of Engineers, Department of Army Inspector General, DoDIG, DIA, NSA, and the Defense Privacy and Civil Liberties Division. Instructors also came from other Federal agencies, including the DOJ Office of Information Policy (OIP), Federal Bureau of Investigation, and the Information Security Oversight Office (ISOO) of the National Archives and Records Administration.

Additionally, the DoD continued its efforts to train via the virtual environment by conducting training and chats within its Defense Connect Online (DCO) tool. Use of DCO allows the presenter and attendees worldwide to participate in training while at their desks. Training slides are uploaded and available to every attendee, the presenter presents the material, and every attendee has the opportunity to ask questions and engage in dialog during the chat or training session. The use of DCO by the Transparency Office is two-fold. One, it utilizes DCO to present and record training sessions on specific topics and two, it conducts interactive chat discussions. As for the former, the DoD continues to use three training sessions recorded in previous years. These recorded sessions are FOIA 101 (a three-hour class on FOIA administrative issues, primarily for new FOIA professionals), Exemption 4, and Exemption 5. During the reporting period, a new training session was recorded and added, FOIA Exemptions 6 and 7(C). While DCO training sessions are recorded and made available online for anyone in the DoD, chat sessions are not recorded. The new OIP online FOIA training modules will replace the recorded DCO training sessions once the modules are available.

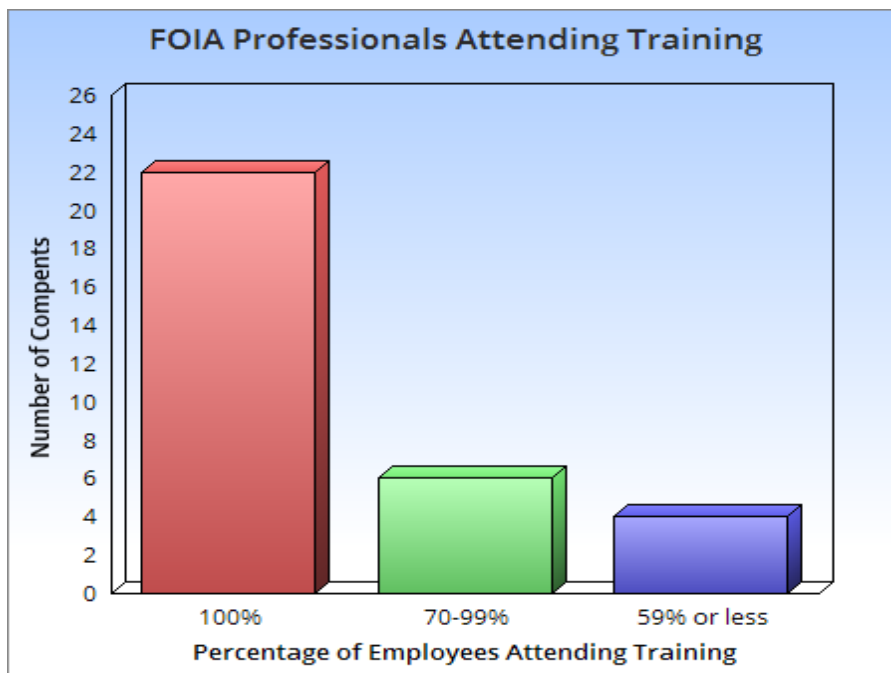
The Transparency Office conducted six interactive chat discussions during the reporting period. Because DoD FOIA professionals are located in multiple time zones worldwide, these DCO sessions were scheduled at different times in an effort to make them convenient for the greatest number of DoD personnel. Participants joined the chats from across the continental U.S.



and from DoD installations in Japan, Korea, Italy, Hawaii, Germany, Qatar, the United Kingdom, Greece, and Afghanistan. Attendance at each DCO session was approximately 150-200, with all 32 DoD Components reporting that they participated in these learning opportunities.

In keeping with the President’s direction that agencies should act “in a spirit of cooperation” remembering that we are “servants of the public”, the Transparency Office continued its work to ensure that the FOIA community gained the necessary skills to provide quality customer service to the public. By maintaining its partnership with the DoD Office of General Counsel (OGC) Alternative Dispute Resolution (ADR) Liaison and the Army OGC ADR Program Director, the Transparency Office continues to train FOIA professionals in the areas of conflict resolution and customer relations. Courses were held at the Mark Center in October and December 2014. Around 35 FOIA professionals and attorneys attending the training gained skills in relating to customers, understanding conflict, interest-based problem solving, understanding self and others, communications, and overcoming impasse.

Twenty-two out of 32 DoD Components reported that 100% of their FOIA workforce attended training; six of the 32 reported that 70 to 99% of their employees attended training; and four reported that 59% or less attended training during the reporting period. DoD estimates that 90% of all DoD FOIA professionals and staff with FOIA responsibilities attended substantive FOIA training during this reporting period.



To ensure that FOIA training is available to 100% of the DoD FOIA community, 24 hours a day, 365 days out of the year, and in any part of the world FOIA professionals and attorneys might find themselves situated, DoD will continue to utilize the robust capabilities of DCO for chats and training, and will continue to make all recorded trainings available to the DoD FOIA Community. Also, DoD will resume its previously implemented DoD-wide

FOIA/PA training workshops, at low or no-cost training facilities, in areas heavily concentrated or easily accessible by DoD personnel. In 2015, DoD will hold two FOIA/PA Training Workshops. One workshop is planned for June in Garmisch-Partenkirchen, Germany, while the other is planned for September in San Antonio, Texas. Both workshops will be held at DoD facilities.

The DoD will continue to offer training in the areas of conflict resolution and customer relations and is looking to develop modules to supplement the anticipated DOJ online training modules that will be available in the near future. DoD Components expressed their intent to continue the extensive training programs already in place; continue to take advantage of DoD-sponsored training opportunities and in some instances, where training programs are not ongoing, components will initiate in-house training programs.

***Outreach:***

Outreach efforts increased throughout the DoD, with 31% of DoD Components taking part in notable outreach outside of everyday practices, by conducting key meetings and establishing feedback opportunities in order to work to improve programs and customer relations.

The Office of the Under Secretary of Defense for Personnel and Readiness, Military Personnel Policy Office met with a FOIA requester who submitted a complex FOIA request for 15 items to several DoD Components. The meeting was arranged in an effort to make processing the request more manageable, to reduce the scope of the request and to get desired information into the hands of the requester in the most prompt and efficient manner possible. Although this briefing only slightly narrowed the scope of the requests, the meeting did result in the requester leaving the meeting with some information of interest to him and resulted in a favorable relationship between the FOIA requester, the SMEs, and the DoD FOIA community.

After having established a good relationship with the National Security Archive during outreach visits in previous years, the OSD/JS Freedom of Information Division continued its outreach efforts by conducting several phone meetings with various National Security Archive researchers regarding records management and procedural issues.

Army FOIA personnel worked closely with its public affairs offices worldwide to ensure open dialogue with the requester community and government groups. The Army FOIA website not only allows a requester to submit a FOIA request online, but to post questions pertaining to their request, to ask general questions about the FOIA process, to provide feedback, to submit complaints or to make recommendations. In addition, the Army routinely has participated in the open discussion forums/initiatives held by OIP.

DeCA conducted ongoing productive dialog with two organized labor advocacy groups on the intricacies of the FOIA, with regard to ongoing requests, and maintained meaningful communication with a sector of the government contractor community which continues to utilize the FOIA process in preparation for contract bid submissions.

NGA conducted formal audits regarding requester satisfaction pertaining to response times for FOIA processing and documentation provided in response to FOIA requests.

Some DoD Components reported that a lack of resources and the geographical location of their overseas offices as reasons for not conducting community outreach. An overwhelming majority of components expressed that frequent informal dialog with requesters limited the need for formal outreach with the requester community, as they consistently reached out to FOIA requesters to assist in narrowing the scope of requests, explaining delays, and to better understand what the requester was seeking. DCMA reports that they conducted conference calls between FOIA staff, legal counsel and a requester to explain the placement in the FOIA queue, the scoping of broad FOIA requests, and reorganization affecting case processing. DCMA believes that by prompting this communication and being candid with the requester, a measure of trust was established to improve relationships moving forward.

The DoD Components will continue to look for similar outreach opportunities with requesters. Unfortunately, the Transparency Office is unable to host an outreach event with requesters because of the difficulties of public access to DoD facilities; however, it will continue to communicate with requesters through two venues. Firstly, the Transparency Office provides the DoD representative to the FOIA Federal Advisory, which is an excellent forum for the sharing of ideas and concerns between FOIA requesters and FOIA professionals. Secondly, the DoD will continue to participate in any FOIA Requesters Roundtables offered by OIP.

#### ***Discretionary Disclosures:***

Discretionary disclosure reviews continued to be standard practice throughout DoD FOIA offices, with 94% percent of DoD Components reporting that they have formal processes in place to review records for discretionary release. This is a 71% increase from last year's reported 55% with processes in place. Components reported that they do one or more of the following when document owners recommend withholding under an exemption that can be applied with discretion:

- Question document owners;
- Ask document owners to take a second look to determine harm;
- Provide document owners with a copy of the Attorney General's guidance;
- Send packages to a legal advisor to engage in discussions with the document owner.

Some examples of distinct processes underway at a few component FOIA Offices are detailed below:

- At the Air Force, discretionary release reviews have become part of the standard operating procedure. Each recommendation for withholdings under FOIA Exemptions 2, 5, and parts of Exemption 7 proposed by the SME are reviewed by an appropriately trained attorney to verify there is an articulable direct and significant harm present. Attorneys, in consultation with the SMEs, negotiate any disputes thus

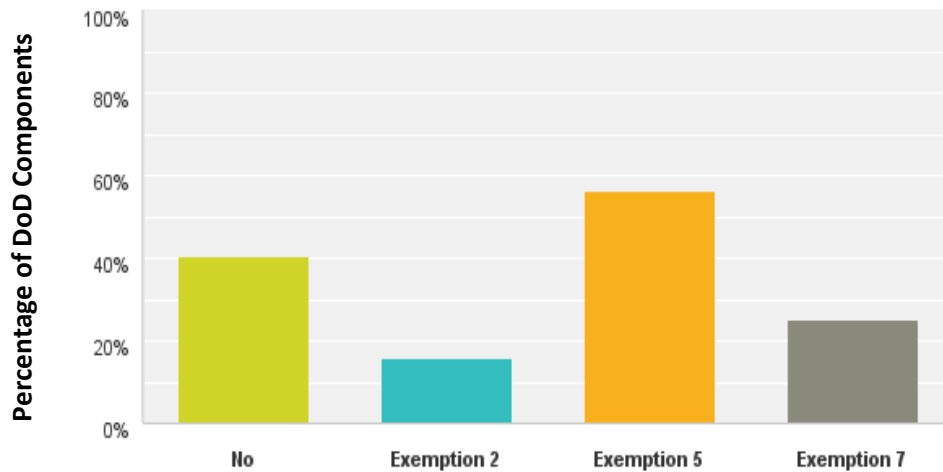
insuring a thorough review of discretionary material. Following *Milner v. Navy*, Air Force use of Exemption 2 dropped from 65 to 0 requests, a 100% reduction.

- Likewise, at NORTHCOM FOIA requests underwent a FOIA review by the FOIA officer and a legal review by Judge Advocate's office. If document owners recommend withholding information under an exemption that can be applied with discretion, the FOIA office informs the document owners and absent the likelihood of harm, recommend release of the information.
- In the Navy, initial denial authorities (IDAs) ask that SMEs provide a specific statement of anticipated harm for any claims of exemptions which may be subject to discretionary release. The IDA reviews this anticipated harm statement and determines whether the anticipated harm is sufficient to justify withholding. This way, the IDA and the SME reach an agreement and understanding on which information should be withheld under exemptions and which information should be released under IDA discretion.
- NSA reports that an initial harm analysis is conducted when documents are first reviewed. The age of the documents is taken into consideration, as the passage of time often allows discretionary release of information that falls within the absolute protection of Section 6 of the National Security Agency Act (P.L. 86-36) (an Exemption 3 statute). The public interest in the underlying information is also taken into consideration when determining whether another exemption should be applied.

Discretionary releases in the DoD included opinions and recommendations used to make agency decisions, candid discussions between government personnel when working toward a final decision; attorney work products, attorney-client privileged documents, tactics, techniques and procedures:

- DCAA released draft audit report working papers and internal investigation documents that could have been, at a minimum, protected under Exemption 5 of the FOIA.
- In order to be more transparent about the DLA Law Enforcement Support Office activities to distribute supplies to law enforcement offices throughout the country, DLA released and posted to its websites lists of items transferred to these law enforcement agencies. A significant amount of this information could have been withheld under FOIA Exemption 7(E).
- In demonstrating its commitment to transparency, NRO was forward-leaning in releasing material related to an Intelligence Community Inspector General inspection on crimes reported regarding investigatory techniques. While this information could have been protected under FOIA exemption 7(E), NRO made a determination that the information was universal enough that no real harm would result from its release.

**Did your components make any discretionary releases of otherwise exempt information? If yes, please check the exemptions that would have been used.**



Forty percent of DoD Components did not make discretionary releases because the documents processed during this reporting period did not lend themselves to release with discretion. Some of these components reported that documents processed during this reporting period were classified, contained proprietary business information, or were privacy-related.

***Other Initiatives to Promote Openness:***

There is no shortage of initiatives in place to promote openness throughout the DoD, with many components indicating that they capitalize on the opportunity to provide the workforce and leadership with a copy of the FOIA memoranda signed by the President and the Attorney General. Other initiatives in place to promote openness are expressed below:

- Air Force FOIA Policy continues to publish written guidance Air Force-wide to FOIA professionals and attorneys about President Obama’s FOIA memorandum on the presumption of openness, and the application of specific FOIA exemptions under this policy. The Air Force FOIA Policy maintains a close working relationship with its Public Affairs Office and routinely forwards significant FOIA cases to them for potential news releases. Additionally, the Air Force routinely publishes all FOIA responses in their FOIA Library, with the exception of the requests with privacy implications. During the reporting period, 412 new responses were added to the Air Force FOIA library.

- The Army continuously emphasizes and refers to the President's memorandum and the Attorney General's guidance for processing FOIA. Army activities proactively released items previously released under the FOIA and these documents were placed in the Army's publicly accessible FOIA Reading Room. FOIA professionals are trained on the presumption of openness, transparency, timely processing, discretionary and proactive releases, and the dissemination of a FOIA policy memorandum, signed by the Administrative Assistant to the Secretary of the Army. This memorandum included the principles of the President's directive.
- At DCMA, support for the "presumption of openness" is and has been an on-going effort which is widely supported by senior management. The DCMA FOIA staff is encouraged to make discretionary releases, especially where certain privileges may be applicable under Exemption 5. During weekly status meetings, the FOIA staff identifies and fully discusses specific requests where discretionary disclosures are possible. Additionally, FOIA responses requiring IDA signature are further reviewed by FOIA attorneys to ensure DCMA is being as transparent as possible. These initiatives and efforts have collectively contributed to a culture change throughout DCMA.
- NRO examines its review and redaction guide yearly to determine whether any guidance is outdated, and if so, proposes changes and vets them with the equity holders. During FOIA processing, when an equity holder insists on continued protection of requested information, they must provide justification to continue to protect the information. Current NRO initiatives promoting openness include:
  - Scanning information previously released under the FOIA and Mandatory Declassification Review program for posting to nro.gov to allow for greater public access,
  - Reviewing (and potentially releasing) formerly denied-in-full documents and preparing them for posting on nro.gov, and
  - Working with the Office of Public Affairs to use social media to alert the public of new releases of information of significant public interest.
- Media disclosures on NSA activities and the high public interest in NSA activities resulted in several decisions to declassify and release previously classified information that had been or would have been withheld under Exemption 1. In addition, some information that previously fell solely within NSA's Exemption 3 statutory privilege (P.L. 86-36) was also released.

## **Section II: Steps Taken to Ensure that Your Agency has an Effective System in Place for Responding to Requests**

### ***Personnel:***

Since the Office of Personnel Management established a job series for FOIA professionals, 14 DoD Components reported that all of their FOIA professional positions have been converted to the new series. Of the 18 remaining components, ten indicated that their human resource offices are working to convert the positions, five indicated that those assigned to processing FOIA requests are attorneys, paralegals, and military members with other responsibilities, and the remaining three components are in the Intelligence Community and indicated that their leadership deem it more appropriate for their positions to be categorized in a series closely related to the analytical and declassification work they perform. DoD estimates that approximately 61–80% of its FOIA professionals have converted to the new series.

### ***Processing Procedures:***

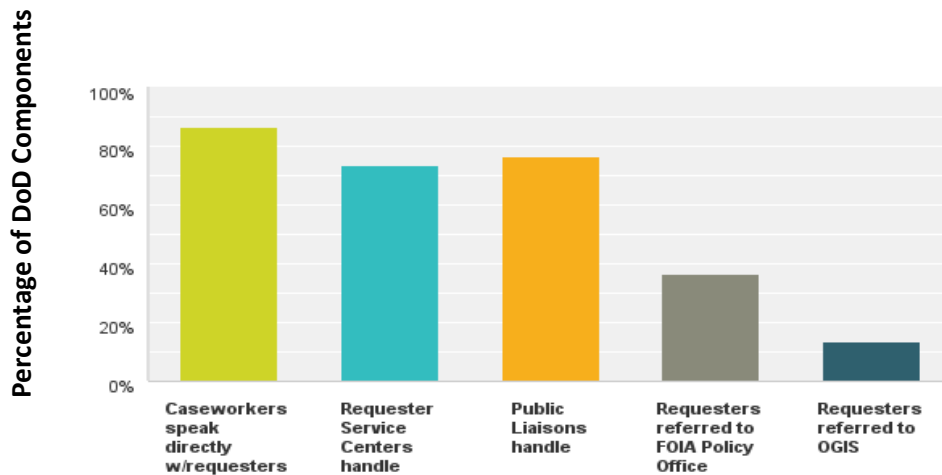
Although the average number of days to adjudicate expedited treatment requests in the DoD was less than five days, some components did not adjudicate requests within the required ten-day timeframe. These components indicated that they will emphasize the importance of meeting this deadline through training with FOIA professionals, will place reminders within online tools, and believe that additional personnel will enable them to meet deadlines in the future.

DoD Components overwhelmingly reported that after careful research and confirmation from the appropriate office, misdirected requests are referred to that office for processing and direct response to the requester and the requester is notified of this action.

### ***Requester Services:***

The [DoD FOIA Handbook](#) encourages requesters to direct concerns first to the FOIA Requester Service Center processing their request, then to the FOIA Public Liaison of the component, and then to the Office of Government Information Services (OGIS) if their concern remains unresolved. While the DoD is fully committed to handling complaints and concerns expressed by FOIA requesters, the DoD refers requesters to OGIS in instances where the DoD has exhausted all options to resolve the issues of the requester.

**How are customer complaints/concerns handled within your component? Choose all that apply.**



One hundred percent of DoD Components indicate a focus on customer service when dealing with FOIA requesters. Components reported that their employees engage with requesters by phone and email about the types of documents held within the component; to clarify requests; to keep them updated on the status of their requests; to assist with determining fee categories; to gain a better understanding of the records the requester is seeking, and concerning other matters as they arise.

Components reported that their employees have taken the OGIS Conflict Resolution course, the DoD Conflict Resolution/Customer Service course, and other customer service training offered by their components. Additionally components reported that customer service and professionalism is emphasized at staff meetings, feedback is solicited from customers, and guidance on communicating with requesters, both over the phone and in writing, is provided to employees.

One hundred percent of those components who assessed fees when processing requests provided a breakdown of the search, review and duplication fees charged to the requester. Components also reported that they provided the number of hours for search and review and the number of pages for duplication charges. Additionally, components provided detailed estimates when processing requests where fees would likely be high.

***Other Initiatives:***

The Air Force upgraded search features within their tracking system to locate duplicate requests, to search for documents uploaded in the system, by date, and to expand reporting capabilities. These upgrades improved efficiency for case processing. The Air Force produced monthly FOIA metrics reports for briefings provided to Air Force senior leaders. Emphasis on performance metrics produced a greater focus on timeliness, accuracy, and resource planning throughout the Air Force’s decentralized program. Air Force senior leaders routinely expressed



support for the FOIA program and issued policy guidance to articulate support for FOIA in general, and openness objectives, in particular.

CENTCOM improved its FOIA tracking system by adding fields to assist with annual FOIA reporting and revamping process stage codes. Additionally, CENTCOM conducted monthly assessments on the status of backlogged requests to identify challenges that interfere with processing the information in a timely manner and to determine an estimate of the length of time required to complete the request. To assist with search and for easier retrieval, CENTCOM began storing case files in its newly implemented electronic file system, known as Total Records Information Management (TRIM).

DeCA centralized its FOIA processing into one office with the Office of General Counsel. At last year's reporting, the DeCA staff was comprised of four individuals who worked FOIA on a part-time basis (to include the General Counsel, the Deputy General Counsel for Litigation, the Supervisory Paralegal Specialist and a Legal Assistant). Although this configuration allowed for centralized processing and on-hands oversight, the paralegal position was converted to a full-time Government Information Specialist to allow for greater oversight and efficiency in the DeCA FOIA program. Also, DeCA maintains a centralized record-keeping system that allows the FOIA staff to search for documents DeCA-wide in a single repository.

DHA initiated a program of appointing FOIA points of contact within each office of the DHA. This improved overall accountability and improved component response times.

DIA conducted FOIA training to SMEs to facilitate the understanding of the FOIA and the appropriate application of the FOIA exemptions and provided desk-top training on the use of an electronic redaction tool, which aided in reducing processing time. Also, DIA performed quality reviews of all open cases at the beginning of each year to ensure cases were ready for the next step in the process, so that DIA could maintain momentum in case processing.

DLA conducted quarterly conference calls for all attorneys and FOIA professionals on topics involving FOIA and Privacy Act compliance. As a result of these quarterly calls, the DLA FOIA program instituted working groups to tackle complicated policy and procedural topics. In addition, the Headquarters DLA FOIA office issued standard operating procedures on topics such as fee calculations and payment processing.

DoDIG underwent a complete workforce analysis to determine appropriate structure, organization, and levels of its GS employees. A supervisory attorney (GS-15) was temporarily detailed to observe processes and to assist in determining ways to improve FOIA processing over the next six months.

NGB conducted a thorough review of all phases of FOIA processing to determine time allocation for various FOIA tasks. The metrics were used to provide more accurate accounting of time expended on FOIA processing. Processing flowcharts were developed to graphically illustrate the way components process actions from start to finish. This flowchart now serves as a basis for developing training and daily processing guidance. An internal training plan was developed to ensure that all assigned personnel were provided with uniform guidance for the proper handling of FOIA requests.

NORTHCOM took steps to contact staff offices tasked to search for documents to ensure that the NORTHCOM FOIA Office was tasking offices appropriately for documents requested under the FOIA. When acknowledging receipt of FOIA requests, NORTHCOM provided requesters with a list of offices that would likely be tasked for searches within NORTHCOM. This exercise proved helpful in reducing the search fees for the requesters and cut down on needless searches for NORTHCOM staff offices.

NRO reported that they made significant changes in their processes over this past year. These changes include simplifying the language in correspondence to ensure language is understood by the customer, eliminating the tasking of offices without direct equities, and reducing the levels of review to speed response time. Individuals eliminated from the review process receive the packages for information only. Additionally, changes included ensuring that each case was assigned to a specific case manager to limit the possibilities of any case being overlooked, soliciting best practices, and pre-processing documents before forwarding the documents to reviewers.

The NSA FOIA Office continued to update its standard operating procedures to include new procedures presented by DOJ or DoD. In addition, FOIA court decisions were reviewed to determine whether additional procedures needed to be in place to meet the standard the courts are looking for in FOIA processing (such as search documentation). Finally, letter templates were updated to more accurately present responses.

PACOM created a “Critical Thinking and Structured Analysis” checklist, which is placed on the cover of each case. This checklist allows PACOM to ensure a quality review is undertaken and provides a mechanism for the PACOM FOIA officer to provide effective feedback at the regularly scheduled synchronization meetings.

SOCOM plans to improve the FOIA Office overall by developing policy, standard operating procedures (particularly when an expedited search is essential when responding to a litigation), and working with leadership to inform them of the importance of the FOIA office.

SOUTHCOM conducted monthly briefings to leadership on all matters concerning the SOUTHCOM FOIA program. Additionally, SOUTHCOM increased the number of personnel in its FOIA office which enabled SOUTHCOM to work faster through the pending FOIA caseload.

The STRATCOM FOIA Officer provides selective initial withholding/release recommendations to SMEs to ease the review process. This improved responsiveness from SMEs and alleviated the need to conduct a laborious initial review of the information requested. This approach, albeit selectively used, provided a certain level of training as the owners of the information were able to see and understand the type of information that may be withheld or released. Also, document owners learned how to reasonably segregate and when it is appropriate to provide discretionary releases.

### **Section III: Steps Taken to Increase Proactive Disclosures**

#### ***Posting Material:***

Sixty-two percent of the components indicated that they have a process in place for identifying records for proactive disclosure and that they work in collaboration with staff outside of the FOIA office. Fifty-six percent reported that they made suggestions to other offices to proactively post information to a public website.

Components with processes in place for identifying records for proactive disclosure, and who work in collaboration with staff outside of the FOIA office reported the following:

- The Air Force has had distinct electronic filing cabinets for proactive disclosure of documents since 2009. This provides the ability to upload documents to respective proactive disclosure filing cabinets, and then publish the documents to the Air Force FOIA Library. Air Force FOIA professionals often collaborate with Public Affairs, Inspector General, Judge Advocate, and Legislative Affairs offices, along with the Transparency Office, when working to proactively post documents.
- The DeCA FOIA officer canvasses other directorates in search of information that can be proactively disclosed. Additionally, the FOIA Officer works with various sectors of the contracting directorate for copies of newly awarded contracts for review and proactive posting in the DeCA FOIA Library.
- At DFAS, FOIA professionals met to determine what records, if any, would be good candidates for proactive disclosure. Once documents were identified, the FOIA professionals contacted the document owners to recommend proactive disclosure of the documents.
- DHA requires contractors to provide releasable versions of contracts so that the FOIA Requester Service Center can proactively post them to the DHA FOIA Library. DHA collaborates with Managed Care Support contractors, DHA Contract Operations Division and the DHA Office of General Counsel on these efforts.
- DoDIG works with the Communications Department Web Team to post a list of all completed IG reports. Unclassified reports are proactively posted. The titles of the remaining reports are provided with instructions on how to submit a FOIA request. Additionally, a synopsis of completed reports is provided on the DoDIG website.
- NRO established a process to work extensively with their Media Services Center and Office of Public Affairs to set the stage on its website to post proactive disclosures. NRO interacted with ISOO to make resources available in order to conduct targeted reviews of information that may be of interest to the public. NRO also interacted regularly with the Office of Security & Counterintelligence Policy, directorates and organizational offices, and the Center for the Study of National Reconnaissance to identify topics where greater release might be in order.

- The NSA FOIA Office worked collaboratively with the Declassification Services Offices to identify records appropriate for posting based on requester interest. These offices did not wait for frequent requests for information, but based decisions to post information on the likelihood that the public would have a significant interest in having access to the information.
- In keeping with the President's guidance on Open Government and the Attorney General's guidelines on transparency, PACOM released (without any redactions) the complete list of attendees and invitees to the Commander's Change of Command Ceremony and the investigation of a senior PACOM official.

### ***Other Initiatives:***

The DoD remained focused on transparency, with 88% of its components reporting the posting of new material on websites. Components continued the practice of posting FOIA logs and FOIA reports and all FOIA releases, without privacy implications. In keeping with the “frequently requested” posting standard in 5 USC §552 (a)(2)(D), components reported that they post releases when documents have been requested under the FOIA one to three times, depending on the likely interest in the document. Listed below is a sampling of additional information posted on DoD Component websites, with hyperlinks.

- Within OSD/JS, here are some examples of proactive disclosures:
  - The Office of the Office of the Deputy Under Secretary of Defense for Installations and Environment posted its [Climate Change Adaptation Roadmap](#), the [FY 2014 Base Structure Report](#), and nominations for [the DoD 2015 Secretary of Defense Environmental Awards](#).
  - The Sexual Assault Program Office (SAPRO) posted the [Annual Report to the President of the United States on Sexual Assault Prevention and Response](#), and other documents on the [SAPR News](#) website such as the Executive Summary of the Annual Report, the Secretary of Defense’s Initiatives and Fact Sheet, and SAPRO’s press briefings. Additionally, SAPRO posted material for its April 2015 [Sexual Assault Awareness and Prevention Month](#) campaign.
- Army posted its investigation into the April 2014 Fort Hood shooting, Bradley Manning court martial documents, Inspector General Reports, Institute of Heraldry Military Insignia drawings/approvals, and summarized reports of court martial trial results in its [FOIA Reading Room](#).
- Navy proactively posted an array of material at two sites, one with the [Navy’s Chief Information Officer](#), and the other with the [headquarters FOIA Requester Service Center](#). These sites contain information on the September 16, 2013, Washington Navy Yard shooting, and a valuable piece of World War II history, the [Nimitz Gray Book](#), thanks to the collaborative efforts of the Naval History and Heritage Command

and the Naval War College. This is a documentary history of World War II in the Pacific compiled by Admiral Chester Nimitz.

- The Air Force routinely posts contracts, aircraft accident reports, historical reports, mission reports, information on government purchase card holders, a radar report, FOIA logs, FOIA annual reports, organizational charts, phonebooks/directories, audit reports, FOIA training material, policy, guidance, information on flight operations, unit histories, historical honors, mechanical reports, congressional travel documents, and factsheets. Furthermore, the Air Force views the use of social media sites as a positive way to communicate and conduct business and posts information on social media sites, such as YouTube, Twitter, Flickr, Blogs and Facebook. Air Force website postings can be viewed at the following sites:
  - Air Force [FOIA Library](#)
  - Air Force [Top Stories/Headlines](#)
  - Air Force [Current News](#)
  - Air Force [TV News](#)
  - Air Force [Factsheets](#)
  - Air Force [News Feeds](#)
  - Air Force [Transcripts](#)
  - Air Force [News Widget](#)
  - Air Force [Social Media](#)
  
- NSA posted the following:
  - ["Ask Zelda" columns](#),
  - [Vietnam POW/MIA documents](#), and
  - [U.S.S. Pueblo documents](#).
  
- For AFRICOM, the public can find a significant amount of information on the Ebola virus and a transcript of the AFRICOM Commander General Rodriguez interview with media delegates, from Angola and Mozambique, on its [newsroom website](#).
  
- EUCOM posted news articles, video operations, exercises and information on blogs daily.
  
- SOCOM posted the [Project Contemporary Historical Examination of Current Operations Southeast Asia Report](#), which discusses the role of the Air Force in support of special activities in Southeast Asia during the Vietnam War.
  
- SOUTHCOM posted and will continue to post information concerning [detainees at Guantanamo Bay](#) and will soon post information concerning visitors to Guantanamo Bay.

- STRATCOM posted a [Command snapshot](#) in addition to STRATCOM Directives on Space Surveillance Operations, Theater Event Systems Architecture and Operations, and an update on the readiness of the 91<sup>st</sup> Missile Wing in its [FOIA Reading Room](#).

As input from its 32 components indicates, DoD is doing a commendable job of proactively posting information likely to be of interest to the public. Components expressed that they will continue these efforts, and some have plans underway. One notable instance is at DeCA, where the DeCA FOIA Officer has undertaken an attempt to cause a paradigm shift in the DeCA Contracting Directorate, pushing to make proactive posting and updating of all contracts a regular part of contract administration. Also, the FOIA Officer continues the initiative to educate other DeCA directorates as to the importance of making material available to the public as soon as possible and identifying that information without initial inquiry or intervention by the FOIA staff.

#### **Section IV: Steps Taken to Greater Utilize Technology**

##### ***Online Tracking of FOIA Requests and Appeals:***

The DoD Components are most certainly utilizing technology to make more information available to the public and to communicate with requesters. DoD posts all quarterly and annual reports as required by DOJ and 100% of DoD Components communicate with FOIA requesters by electronic means. Additionally, while 100% of the DoD Component FOIA offices have a system in place to respond to requests for the status of pending FOIA requests and appeals, only 22% of its components have a system in place for requesters to check the status of requests and appeals online. Some components without online status availability report that many requesters are satisfied with the detailed information they receive when contacting FOIA offices directly regarding the status of their requests. The information below outlines the status information seen by requesters when checking the status of their requests online:

- Systems in place at the Air Force, OSD/JS and NGA provide the following status categories: received, in process, and closed.
- The Navy provides an acknowledgement of receipt, the FOIA case number, case assignment, case review, and the closure status. The estimated date of completion appears as the 20-day requirement mandated by the FOIA.
- NORTHCOM maintains an online spreadsheet of all open requests. The spreadsheet provides the name of the requester, the FOIA case number, the 20-day FOIA due date, and the status of request. The status of the request includes: staff conducting search, awaiting staff response, awaiting consult response, FOIA review, legal review, and/or in for IDA signature.
- Data provided by TRANSCOM through its tracking system includes the FOIA tracking number, date request received, status of request (open or closed), expected completion date, and remarks.

Twenty-six percent of the components reported that they are taking steps to provide online status of FOIA requests. Of the remaining components, 40% report that working on classified information technology systems prevent them from establishing the feature; 40% reported that it would not be cost effective to establish the capability, given the low number of requests and the likelihood of meeting 20-day due dates; 6% report that budgetary constraints make establishing such a system difficult; and 14% reported that feedback from FOIA requesters dictates the preference for obtaining status updates from the caseworkers processing the requests.

***Making Material Posted Online More Useful:***

Fifty-six percent of the components reported that they are taking steps to make the posted information more useful to the public. These components reported the following:

- The Air Force FOIA Policy Office continues to monitor all FOIA Requester Service Center websites to ensure they contain direct contact information such as email addresses, postal addresses and phone numbers, links to the Air Force FOIA Public Liaison Officer, and a link to the main Air Force FOIA page. The main Air Force FOIA page includes direct contact information to the Air Force FOIA Public Liaison and a directory of all Air Force FOIA Requester Service Centers.
- DTIC, NRO and SOCOM are redesigning their websites to make it easier for the public to locate information of interest to them.
- AFRICOM, DoDEA and DoDIG solicit feedback from users in order to improve the functionality of the website and the usefulness of the information posted.
- OSD/JS, DCMA, and DeCA use Facebook and Twitter for requesters to provide feedback. Additionally, OSD/JS posts documents in various formats so that certain types of material, such as data requests, can be easily manipulated by requesters to fit their needs.
- The DLA Logistics Information Service FOIA Officer has taken the proactive step of ensuring the Federal Logistic Information System and Law Enforcement Support Organization data is converted into formats easily used by the public.
- The Army provides access to documents posted on-line in its FOIA Reading Room and via hyperlinks to other documents or websites which allow the public to easily locate information. In addition, the Army will upgrade its FOIA Reading Room to make it more intuitive to the public.
- NSA places a statement on the initial page of NSA.gov of its significant releases. NSA has made its website user friendly, with drop-down menus and an easy-to-use search function. Information under the "Public Information" tab is categorized and indexed by subject to assist individuals in finding topics of interest.

- DHA ensures that all releasable records posted to the new DHA FOIA Library are 508 compliant. Search capabilities are also in the process of being improved as the website transitions to health.mil. As DHA expands and assumes responsibility for activities currently under other DoD Components, web pages for newly acquired activities will link to the DHA FOIA Requester Service Center's main web page.
- Navy now uses an online tracking system that provides the capability of retrieving posted material by keyword search.
- NGA created a public access link that allows for the free flowing of information to the requester. NGA is in the process of uploading all information released in full, as well as its current annual report and monthly logs.
- The STRATCOM Public Affairs Office works to make all on-line content searchable for search engines (Google, Bing, etc.). The STRATCOM website is also responsive to different devices and sizes so that different browsers and devices (including tablets and mobile phones) can all display the content. All site content is provided in either HTML or PDF, which are both open formats.
- DCAA redesigned its public website to make public information more readable, accessible, and user friendly. Throughout the design of the website, DCAA conducted usability studies with each of DCAA's targeted user groups to ensure that the information was valuable, useful, and easy to find and access. DCAA is undergoing a second, user-based redesign to improve search capability, information access, and information management.
- The materials posted on the ASBCA's website, [www.asbca.mil](http://www.asbca.mil), are posted in .pdf format, and a link to a free, commercially-available program for reading .pdf files is provided for users who might not have the ability to read .pdf files. Additionally, the materials posted on ASBCA's website are readily accessible by mobile devices, and the simple-to-use "Search" feature of ASBCA's website provides users with quick, easy access to all of the materials posted there.

Thirty-eight percent of DoD Components work with public affairs and information technology specialists to identify and post agency information online and 44% of the DoD Components report that when posting online, Facebook and Twitter are often used to publicize or highlight important proactive disclosures.

Thirty-two percent of the components have encountered the following challenges that make it difficult to post records online.

- The Army reported that its FOIA professionals face the challenge of attempting to change and refocus mindsets so that personnel within their commands will be able to see the positive impact of proactively posting documents.



- One Navy activity, the Naval History and Heritage Command, has been hindered in its efforts to post records because of the lack of resources necessary to support the laborious process of digitizing large volumes of hard copies for disclosure.
- DHA reports that converting the high volume of contracts and other documents for 508 compliance is extremely challenging and time consuming.
- Several DoD Component FOIA Offices cannot directly post online, and must rely on another activity (such as public affairs) within the component to accomplish this task. These components include NRO, NSA, EUCOM, PACOM, and SOUTHCOM.
- A number of DoD Components, to include OSD/JS, NSA, and NRO, report that the process of transferring content on a classified system to an unclassified system is resource and time intensive. Particularly for NSA, limited resources and the significant increase of FOIA requests make it difficult to dedicate resources to prepare and post material.
- NORTHCOM faces challenges with its website software due to size limitations on documents that can be posted. NORTHCOM is currently working with its Public Affairs Office for a solution to this limitation.
- At PACOM there are strict rules and restrictions on what can be placed on the website, due to vulnerability issues.

***Use of Technology to Facilitate Processing of Requests:***

Seventy-four percent of DoD components reported that they are taking steps to utilize more advanced technology to facilitate overall FOIA efficiency.

- OSD/JS is improving its anti-spillage capability by incorporating new software to inspect records before they are transferred from the classified to the unclassified domain prior to release of the records.
- AFRICOM and JPRA are utilizing document sharing platforms for large volumes of records.
- CENTCOM records are in the process of being organized and migrated to the TRIM system for electronic records management. TRIM provides an improvement in record search capabilities, thereby helping FOIA searches to be accomplished more efficiently.
- DCAA is utilizing a new electronic records management system, which improves search capabilities.
- DCMA has two major information technology business initiatives underway that will facilitate overall efficiency. First, it is developing an integrated work flow management system for contract administration, which will manage the flow of

contracts during a contract lifecycle. This new system is pending deployment. Second, DCMA is implementing a Microsoft SharePoint as its intranet platform and document management system for contract and non-contract business-related documents. This will establish the strategies for records management, data management, e-mail management, and web content management.

- DeCA utilizes a central record-keeping system that allows the FOIA staff to directly search the entire archived DeCA database for responsive information. In addition, DeCA also employs SharePoint and task management systems which centralize information creation and transfer thus limiting the areas needed to be accessed for information searches.
- DIA has purchased and is currently testing a feature of its current FOIA processing database to sort and de-duplicate records.
- DLA is using secure shared drives to facilitate collection and review of large scale FOIA requests involving thousands of records.
- At DoDIG, some internal offices have provided the FOIA office access to SharePoint sites so that the DoDIG FOIA Office can retrieve final reports without having to take the time to task the internal office.
- NRO is in the process of converting to a management system with the capabilities of de-duplicating records and advanced search capability.
- The NSA FOIA Office is in discussions with its technology support organization to assess several options that may be beneficial to the FOIA Office.

Components expressed that efficiencies could be experienced across the federal government if the following would occur:

- All federal agencies would utilize existing file-transfer platforms for consultations and referrals, eliminating delays caused through the cumbersome mailing of paper documents;
- Availability of software that securely redacts video and audio files.

***Other Initiatives:***

The DoD published all four of its quarterly reports to foia.gov, as required by OIP.

All DoD Components report that they communicate with requesters via email whenever feasible.

## **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

### ***Simple Track:***

DoD utilizes simple, complex, and expedited tracks for FOIA requests. Sixty-one percent of all requests processed by DoD in FY 2014 were placed in the simple track. The average number of days for processing these simple requests was 13 days.

### ***Backlogs:***

Last year, DoD did not develop an agency-wide plan for reducing backlogs, but components reported that they would resolve backlog issues by getting senior leadership involved; engaging in process improvement efforts; implementing overtime; conducting monthly reviews to address challenges; and establishing teams to focus solely on backlog issues. Some achieved success and some did not.

### ***Backlog of Initial Requests:***

DoD received 61,055 FOIA requests during FY 2014 and processed 59,321 FOIA requests. Some components reported that due to an increase in the number of FOIA requests received, the reduction of staff and the increase in the complexity of FOIA requests, backlog numbers increased. With 50% of DoD Components increasing their backlogs during FY 2014, the overall DoD FOIA request backlog increased by 28%, from 6,611 cases to 8,444 cases. Fourteen percent of DoD's requests make up the DoD backlog.

Forty-four percent of the 32 DoD Component FOIA offices either reduced their backlogs or ended FY 2014 with a backlog of zero. These components reported that implementation of the backlog reduction plans of last year helped them to achieve success. Specifically, these components reported that continuous engagement with senior leadership, process improvements, goal setting, and working closely with document owners and requesters attributed to their success in reducing backlogs. The DoD Components reporting backlog reductions were as follows:

- CENTCOM – from 177 to 151 (15%);
- DCMA – from 46 to 31 (33%);
- DFAS – from 13 to 7 (46%);
- DIA - from 809 to 723 (decreasing by 10%);
- DTIC – from 15 to 0 (100%)
- EUCOM – from 35 to 34 (3%);

- NRO – from 48 to 47 (2%)
- OSD/JS – from 1187 to 1177 (1%).
- PACOM – from 84 to 41 (51%)
- SOUTHCOM – from 188 to 173 (8%)

Five components, ASBCA, DCAA, DoDEA, DTIC, and JPRA, do not have backlogs and two components, DeCA and DSS, had backlogs of two and one, respectively, at the end of FY 2014. The backlogs of NGA and NORTHCOM remained the same, at 64 and 12 cases respectively.

***Backlog of Appeals:***

Only 19 of DoD’s 32 components process appeals, as appeals for the OSD/JS, DTIC, JPRA, DoDEA, AFRICOM, CENTCOM, EUCOM, NORTHCOM, PACOM, SOCOM, SOUTHCOM, STRATCOM and TRANSCOM are adjudicated by the OSD/JS appellate authority, the Director of Administration. Of the 19 components, the backlogs of 32% remained at 0. The components with backlogs of zero were ASBCA, DCAA, DCMA, DeCA, DLA, and DSS. Backlogs at DTRA and Navy remained unchanged. Thirty-seven percent of the components reduced their backlog of appeals (Air Force, Army, DIA, DISA, DoDIG, NGA, and NRO), while appeal backlogs increased for NSA, and OSD/JS. These components attributed the increase in the backlog of appeals to an increase in the number of FOIA appeals received, the reduction of staff and the increase in the complexity of FOIA requests. Sixty-nine percent of DoD FOIA appeals make up the backlog.

For appeals, components reporting backlog reductions of 5% or more are outlined below:

- Army from 27 to 23 (15%)
- DIA from 92 to 79 (14%);
- DoDIG from 27 to 19 (29%);
- DISA from 4 to 0 (100%);
- DLA from 4 to 0 (100%)
- NGA from 13 to 11 (15%)

***Backlog Reduction Plans:***

The DoD Chief FOIA Officer is very concerned about the significant increase in the DoD FOIA backlog, and asked the Transparency Office to develop a plan to address this issue, specifically addressing the DoD Components with the poorest performance in FY 2014.

Accordingly, the Transparency Office analyzed the performance data for FY 2014 and the first quarter of FY 2015, and determined that the Army, Navy, Air Force, and NSA were the DoD Components on which to focus. On January 21, 2015, the Transparency Office asked these component FOIA Public Liaisons, asking them to analyze their component FOIA performance, determine possible causes for backlog increases, and develop plans to improve performances by February 20, 2015. The Transparency Office is currently analyzing the responses and will report its findings to the DoD Chief FOIA Officer in March 2015.

***Status of Ten Oldest Requests, Appeals, and Consultations:***

During Fiscal Year (FY) 2014, the DoD closed all of its ten oldest appeals and consultations as reported at the end of FY 2013, and eight of its ten oldest initial requests. None of the components reported that their ten oldest requests were closed because the requests were withdrawn. DIA was responsible for the two initial cases that were not closed. DIA was responsible for the two initial cases that were not closed. DIA reported that one request was sent out for consultation to another agency and was returned in September 2014. The other request is still being processed at DIA. Below is information on each case.

***Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:***

FOIA Request Received: **April 16, 2001**

- Date Consultation Sent: February 14, 2014
- Dates Contacted Agency: July 31, 2014 and August 13, 2014
- Date Response Received: September 29, 2014
- Status: Assigned to FOIA Analyst
- Estimated Completion Date: March 2015

FOIA Request Received: **April 16, 2001**

- Over 700 complex classified documents with intelligence equities
- Increased man hours will be applied
- Estimated Completion Date: June 2015

***Interim Responses:***

Recognizing the importance of getting information into the hands of requesters as quickly as possible, 100% of the DoD Component FOIA offices have a system in place to provide interim responses to requesters. Fifty percent (16 out of 32) of the components are able to provide estimates of the percentage of substantive interim responses provided to requesters on backlogged cases. Five components provided interim responses on 80 – 100% of their backlogged requests, five provided interims on 30 – 50% of their backlogged requests, and six provided interims on less than 30% of their backlogged requests.

**Use of FOIA's Law Enforcement "Exclusions"**

None of the DoD Component FOIA offices reported the use of law enforcement exclusions.

### **Success Stories**

As quality training is essential to the success of any FOIA program, DoD has ensured that it has a far-reaching training program in place for its FOIA professionals, attorneys, SMEs, document owners and any DoD employee interested in FOIA training, in any section of the world these individuals may find themselves situated. From training conferences occurring at DoD or government owned and operated facilities, to DCO live training, recorded training, and chats, and extensive training programs in place at over 50% of its components, DoD has positioned itself to ensure that 100% of its workforce has the knowledge it needs to process FOIA requests, with the goal of getting quality responses into the hands of the requester community.

DIA continued its efforts to reduce the FOIA backlog by at least 10%, annually; making this the fourth straight year that DIA has experienced greater than 10% backlog reduction. DIA attributes this success to monthly meetings held with senior management to discuss and track the status of the DIA FOIA program.

Considering the volume of FOIA requests processed at DoD and the often complex issues that need to be addressed with these requests, DoD closed 93% of its FOIA requests received within 100 days of receipt.