



Department of Defense

*Chief Freedom of Information Act Officer Report
to the Department of Justice*

For 2018

*Preparation of this study/report cost the DoD approximately
\$26,000 for the 2018 Fiscal Year*

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**2018 Department of Defense
Chief Freedom of Information Act (FOIA) Officer Report to the
Department of Justice**

Executive Summary

The 2009 Department of Justice’s (DOJ) Freedom of Information Act (FOIA) Guidelines require the Chief FOIA Officer for each federal agency to submit a report to the Attorney General containing a detailed description of the steps undertaken by the agency to improve FOIA compliance and transparency. This year’s report covers the period from March 13, 2017 to March 12, 2018.

In my capacity as the Chief Management Officer (CMO), I am pleased to present the 2018 Department of Defense (DoD) Chief FOIA Officer Report to the Department of Justice. As the senior advisor to the Secretary of Defense and the Deputy Secretary of Defense on business transformation, I also serve as the DoD Chief FOIA Officer. I lead the Department’s efforts to streamline business processes and achieve greater efficiencies in management, headquarters, and overhead functions and have continued the DoD tradition of leadership dedication to the success of the Department’s FOIA program through the 32 FOIA Requester Service Centers (DoD Components) located around the world.

On my behalf, the Directorate for Oversight and Compliance (DO&C) oversees all FOIA policy matters within the DoD. Through the DO&C, I ensure ongoing emphasis on FOIA including the areas of particular interest to DOJ in this year’s report: applying the presumption of openness, effective systems for responding to requests, increasing proactive disclosures, increasing greater utilization of technology, and improving timeliness. This report encompasses the efforts and results of DO&C and those of all 32 DoD Components listed below:

Air Force	Department of the Air Force
AFRICOM	U.S. Africa Command
ASBCA	Armed Services Board of Contract Appeals
Army	Department of the Army
CENTCOM	U.S. Central Command
DCAA	Defense Contract Audit Agency
DCMA	Defense Contract Management Agency
DeCA	Defense Commissary Agency
DFAS	Defense Finance and Accounting Service

DHA	Defense Health Agency
DIA	Defense Intelligence Agency
DISA	Defense Information Systems Agency
DLA	Defense Logistics Agency
DoDEA	Department of Defense Education Activity
DoD IG	Department of Defense Inspector General
DSS	Defense Security Service
DTIC	Defense Technical Information Center
DTRA	Defense Threat Reduction Agency
EUCOM	U.S. European Command
JPRA	Joint Personnel Recovery Agency
Navy	Department of the Navy
NGA	National Geospatial-Intelligence Agency
NGB	National Guard Bureau
NORTHCOM	U.S. Northern Command
NRO	National Reconnaissance Office
NSA	National Security Agency
OSD/JS	Office of the Secretary of Defense/Joint Staff
PACOM	U.S. Pacific Command
SOCOM	U.S. Special Operations Command
SOUTHCOM	U.S. Southern Command
STRATCOM	U.S. Strategic Command
TRANSCOM	U.S. Transportation Command

The DoD has a decentralized FOIA program, with each of the 32 DoD Components listed above implementing their own FOIA programs. The DO&C provides overall DoD FOIA guidance to the DoD Components, helping them ensure that their FOIA processes comply with the FOIA, relevant case law, and DoD policy. The DoD Components are, in turn, responsible for establishing and

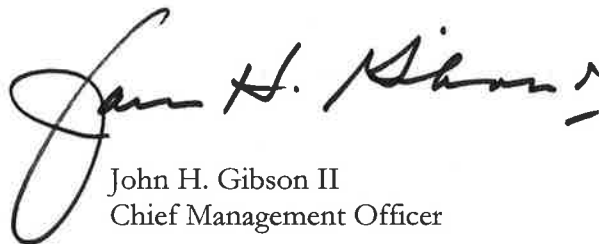
The DoD has a decentralized FOIA program, with each of the 32 DoD Components listed above implementing their own FOIA programs. The DO&C provides overall DoD FOIA guidance to the DoD Components, helping them ensure that their FOIA processes comply with the FOIA, relevant case law, and DoD policy. The DoD Components are, in turn, responsible for establishing and maintaining FOIA processes uniquely tailored to each component while providing the best quality customer service possible.

During Fiscal Year (FY) 2017, DoD Components processed over 53,000 FOIA requests, and 90% of *all* received requests in FY17 were processed in less than 100 days. DoD components remain attuned to public interest with 50% of the Components closing all of their ten oldest requests, and DoD was able to decrease its overall appeals backlog notably by 9% this fiscal year.

The 2018 DoD Chief FOIA Officer report details how DoD has continued to improve its administration of the FOIA and strengthen initiatives to further streamline our FOIA processes. Some of the key highlights in this report include details regarding DoD Components vigilance in attending and hosting FOIA training to ensure that FOIA professionals are well versed in the nuances of FOIA intricacies. Components are striving to reach more agency non-FOIA professionals through creative outreach methods, improve overall program efficiencies and provide specific items of most interest to their requester communities.

All the DoD Components are focused on enhancing customer service and communications with FOIA requesters. Many report that public facing electronic tools are helping requesters better track requests, monitor progress towards case fulfillment, and find released records with greater ease. They also report a variety of initiatives and steps undertaken to ensure that their FOIA systems are operating efficiently and effectively. The most cited methods are concentrated on case management system upgrades and modifications coupled with certain key process and programmatic centralization efforts.

I am proud of the efforts of the Department to improve FOIA processes and look forward to the Department's continued work enhancing and promoting the principles of openness and transparency.



John H. Gibson II
Chief Management Officer

1.0 Steps Taken to Apply the Presumption of Openness

1.1 FOIA Training

The DO&C is the office within DoD responsible for FOIA policy as well as encouraging and promoting FOIA and Privacy Act (PA) training within the Department. In this capacity, the DO&C conducts in-person FOIA/PA compliance workshops and virtual training. During this reporting period, DO&C conducted several training events, the largest of which was a three-day FOIA/PA compliance workshop featuring expert instructors from multiple DoD Components. FOIA topics included DoD FOIA policy, exemptions 4, 5, 6, and 7, document declassification, fees and fee waivers, litigation considerations, mechanics, and best practices in redacting documents. PA topics included conditions of disclosure, privacy concerns with information sharing and social media, and records management.

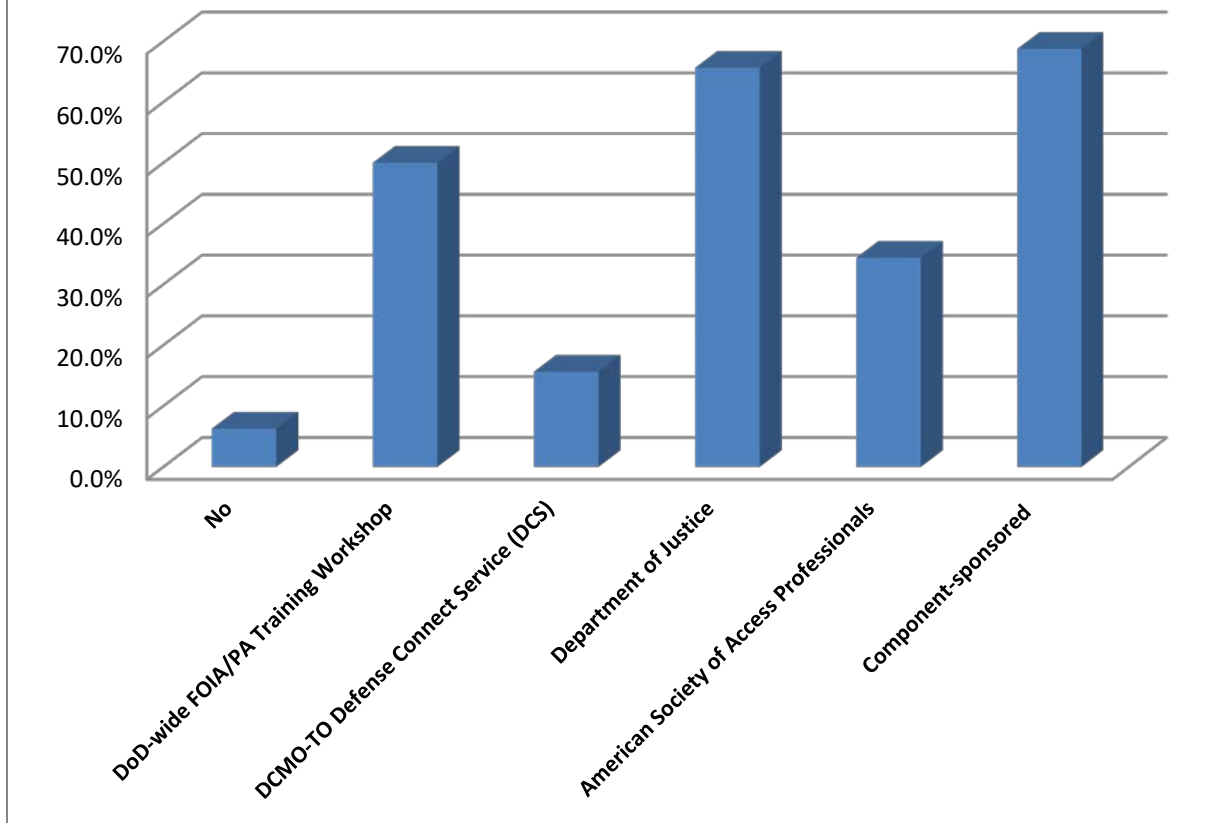
- The workshop took place in August 2017, at McGhee Tyson Air National Guard Base near Knoxville, TN. This workshop was attended by over 200 DoD FOIA professionals and attorneys stationed in the United States, Europe and the Pacific.
- Upcoming three-day workshops will be in the National Capitol Region (NCR) and in Europe in the spring of 2018. The target audiences for the first workshop are DoD FOIA professionals and attorneys in the NCR and on the Eastern seaboard. The target audiences for the workshop in Europe are the DoD FOIA professionals and attorneys based in Europe and other locations abroad.

The DO&C also continued to provide virtual training through the Joint Knowledge Online (JKO) tool, which is available to DoD personnel world-wide. The JKO tool allows for uploading previously recorded material from the Defense Collaboration Services (DCS) and is the current platform upon which DOJ's Office of Information Policy (OIP) FOIA training videos are hosted.

During this reporting period, over 94% of DoD FOIA professionals received formal FOIA training. Over half of the DoD Components sent representatives from their FOIA professional staff to the DoD-wide FOIA/PA Training Workshop and to the DO&C DCS training. Over 69% of the components sent personnel to DOJ's OIP training, as well as the American Society of Access Professional training. Most of the DoD Components also hosted internal training for their own personnel. The components that did not send their personnel for training this year were balancing funding and personnel turnover.

The DO&C also showcased a commitment to quality customer service and effective communication through Customer Service/Alternative Dispute Training for FOIA Professionals. The DO&C staff member certified in Federal Workplace Mediation partnered with the DoD Office of General Counsel (OGC) Alternative Dispute Resolution (ADR) Liaison and the Army OGC ADR Program Director to provide two collaborative and interactive all-day training classes in FOIA conflict resolution and customer relations in late March and early August of 2017. Participants learned about interest-based negotiation, active listening, and mindful speaking. They also practiced their new skills with each other through scenarios selected from real-world examples. All of this year's participants indicated that the training was very relevant and useful to their day-to-day work. Additional classes will be offered in calendar year 2018.

DoD Professionals Attended FOIA Training



The DoD Components that reported hosting their own training for FOIA professionals provided a variety of venues and methods of substantive teaching regarding applying and implementing FOIA. For example:

- The Air Force Judge Advocate General's Administrative Law Directorate courses were offered via DCS to educate personnel on Air Force implementation of FOIA requirements and to improve FOIA processing. Shared knowledge was in turn disseminated through bi-weekly FOIA/Privacy teleconference with Air Force-wide FOIA and Privacy professionals. Additionally, Air Force held an interactive, component-specific all day session immediately following the DoD-wide FOIA/Privacy Act (PA) Training Workshop.
- DHA hosted Health Information Privacy and Security (HIPS) training for over 250 attendees and among a variety of topics, focused on FOIA processing, exemptions and redactions. DHA also offered additional and tailored training throughout the year specifically for its subcomponent FOIA points of contact.
- SOCOM hosted training, including sessions by DOJ, for its Subject Matter Expert (SME) personnel and FOIA Coordinators.

- The Department of the Navy OGC held several training sessions regarding Navy and Marine Corps implementation of FOIA.
- The NSA maximized its training budget by creating a series of training videos focused on exemptions (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7).
- OSD/JS held a FOIA Symposium for all of the OSD elements which focused on exemption (b)(6), conducting proper searches, best practices, litigation impacts and the appeals process. This particular training was specifically for the offices scattered across the OSD enterprise which do not have FOIA as a primary focus but receive a great deal of public interest in the material that the offices generate. It was also a part of a multi-pronged approach to reducing backlogs and encouraging more interaction with OSD SMEs and FOIA personnel.
- AFRICOM, DCMA, DIA, DTRA, NGA, NGB, NORTHCOM, NSA, PACOM, and TRANSCOM all offered comprehensive training to their FOIA professionals and taught on subjects such as component policies and case processing procedures while also covering FOIA challenges and openness in government.
- Numerous Army commands have internal FOIA training programs including the Intelligence and Security Command (INSCOM). A select group of INSCOM FOIA personnel provided FOIA training to personnel in South Korea, Italy, Arizona, Georgia, Maryland, and Virginia. The Installation Management Command (IMCOM) continued providing training at the “FOIA Academy” which provides detailed training on IMCOM policy and procedures. Specific topics were FOIA administrative process, fees and fee waivers, and exemptions. The Army Criminal Investigation Command, Crime Records Center holds monthly training covering numerous subjects such as use of exemption 7 and handling classified material.
- NRO offered training on reviewing IG reports and applying applicable exemptions and the IG Act, protecting personal privacy, and handling information breaches.
- The DO&C provided training on law enforcement and investigatory records to the Army Criminal Investigation Command, Navy Criminal Investigative Service, Air Force Office of Special Investigations, and the Office of General Counsel, DHA.

Finally, the Intelligence Community also held a FOIA training day and DoD Components provided substantive briefings particularly focused on exemptions 2 and 7. Additionally, several components further supported the interagency training by sending attendees, as well as, speakers to discuss FOIA case management systems and redaction tools.

1.2 Outreach

The OSD/JS staff provides the DoD representative to the FOIA Federal Advisory Committee which is a public forum for FOIA requesters and professionals to discuss ideas and concerns. The Committee is composed of ten government and ten non-government members, supported by the Office of Government Information Services (OGIS) and governed by the provisions of the Federal

Advisory Committee Act, as amended, 5 U.S.C. App. The Committee studies the current FOIA landscape across the Executive Branch and may recommend legislative action, policy changes or executive action.

Most DoD Components reported little need for substantial engagements with the requester community in the form of formalized outreach activities because the components have been proactive in contacting individual requesters and engaging in substantive exchanges designed to more fully educate, explain, and provide specifically detailed information. Some of the smaller components with low requester volume indicated that the information requested from them lends itself to more personalized interactions with requesters from the beginning of the FOIA process. Smaller staffs result in requesters working with the same FOIA professional which facilitates better anticipation of high demand materials. For instance, ASBCA finds that many of the documents typically sought by those making FOIA requests, such as those providing insight into official decisions, are already available on its website.

However, a few of the DoD Components reported engagement in formal outreach activity. For example:

- DTIC elected to contact frequent requesters outside of routine FOIA processing and inquire directly regarding how the requesters would like processes improved and to learn more about effectively meeting customer needs.
- Some of the DoD Components, including Navy, reported participating in DOJ OIP sponsored sessions with the requester community.
- OSD/JS met with a frequent requester whom has several pending FOIAs to explain more about the process and solicit ideas about improving service.
- Other components emphasize their work with their Public Affairs Offices to better reach the public. For example, Army has world-wide FOIA personnel work with their command or local Public Affairs Offices to reach their specific requester communities and promote open dialogue.

1.3 Other Initiatives

The DoD Components reported a variety of methods to inform non-FOIA professionals about FOIA and previously indicated that the most effective tool is senior leadership awareness and reinforcement of the importance of FOIA. Accordingly, in an April 2017 memorandum to the entire DoD, the DoD Chief FOIA Officer reiterated that the DoD FOIA program cannot be successful without the support of all DoD employees. A number of components have expressed appreciation for the memorandum, which resulted in additional component leadership attentiveness to FOIA.

The most commonly employed methods for informing non-FOIA professionals are general FOIA training for all personnel and introductory detailed training for the new SMEs. The general training is necessarily broad and introductory in nature while the SME training features detailed instructions and points of contact (POC) for questions, so that SMEs understand both the FOIA – in terms of the law, and the particular agency policies – in terms of practical application.

For instance:

- Air Force has all-personnel mandated Annual Total Force Awareness Training, which includes FOIA content.
- DISA wrote an article on FOIA law which was posted on its intranet for all employees.
- DSS offers FOIA 101 during Newcomers Orientation and NGA provides a FOIA brief as part of the NGA New Employee Orientation Seminar.
- NORTHCOM provides FOIA training to all new employees and refresher training on an annual basis thereafter. NSA has a mandatory annual training requirement for all personnel that includes information about the FOIA.
- NRO offers a FOIA Fundamentals briefing and provides “Did You Know” articles on FOIA, which are disseminated throughout its enterprise.
- OSD/JS teaches a FOIA snapshot as part of the OSD Action Officer training which is required for all new action officers across the OSD elements.

SMEs generally belong to program offices scattered throughout subcomponents and have the most knowledge about subjects and information under the component’s purview. They are commonly in offices located physically separate from FOIA program headquarters, which can make it challenging to ensure that SMEs remember, understand and adhere to FOIA requirements. FOIA Officers and FOIA program staff in the DoD Components frequently find themselves explaining the importance of FOIA, which is usually an additional duty, and sometimes only occasionally so, for the SME. Components offer SME training routinely and on an ad hoc basis, such as when tasking an element of the component that has not been tasked in a long time, to execute a search and/or review for records that have been requested under the FOIA.

For example:

- CENTCOM updated the FOIA Guidelines used by the Command’s non-FOIA professionals and DCAA updated the FOIA Processing Guide which is made available to non-FOIA professionals so that important items such as proper searches are executed well.
- DIA provided specific SME training for the individual directorates. Meanwhile, DLA implemented a new training program for electronically stored information (ESI) POCs starting at the GS-15 level. ESI includes FOIA, PA, and e-Discovery.
- JPRA provides uniform guidance for SMEs that clearly delineates proper search documentation, requirements for line-by-line recommendations, appropriate use of exemptions and the referral and consultation processes.
- DoDEA provides quarterly briefings to all the division heads regarding FOIA and emphasizing the significance of the program in conjunction with articulating the importance of timely responses. DoD IG also tailors regular meetings and training sessions for the

subcomponent FOIA POCs while the Supervisory Attorney routinely meets with subcomponent heads regarding FOIA matters.

- Navy created a simplified SME guidance package with enclosures and references geared for the general audience. Navy expounds on this information through teleconferences and guidance on particular requests. Additionally, this reporting period, the Marine Corps provided specific training for the Marine Corps Training and Education Command senior leaders as well as supplementing the Action Officer course offered at Quantico.
- OSD/JS offers a three hour module focusing on SME responsibilities and illustrates ways that OSD elements can be more effective in handling FOIAs. The OSD/JS program also offers one-on-one training with record-holders on an as-needed basis.
- STRATCOM articulates search effort, exemption application, and timeliness requirements with every tasking to SMEs and action officers while TRANSCOM provides as-needed training for the SMEs which includes an overview of exemptions.

With respect to other initiatives to ensure the presumption of openness, Air Force reports that FOIA Offices routinely publish all FOIA responses to its FOIA Library, with the exception of requests with privacy implications. Air Force FOIA Offices continue to work closely with Public Affairs Officers to routinely post responsive documents that may be deemed significant or newsworthy. Furthermore, they published written guidance Air Force-wide to legal and FOIA professionals regarding the impact and presumption of disclosure, and reiterated the presumption of openness to all Air Force personnel.

Navy reports that the FOIA instruction has been revised to make posting all FOIA responses automatic, with the exception of requests with privacy implications.

TRANSCOM also reports that it routinely publishes all FOIA responses to its FOIA Library, <https://www.ustranscom.mil/foia/>, with the exception of requests with privacy implications.

Army indicates that the FOIA Program Office continues to emphasize and work with command FOIA personnel and make policy memorandums available as an online resource. In consultation with Army Public Affairs Offices, Army subcomponents have released a diverse amount of information to the public. Information has been released via news and media outlets, Army.mil websites and through social media such as Facebook, YouTube and Twitter.

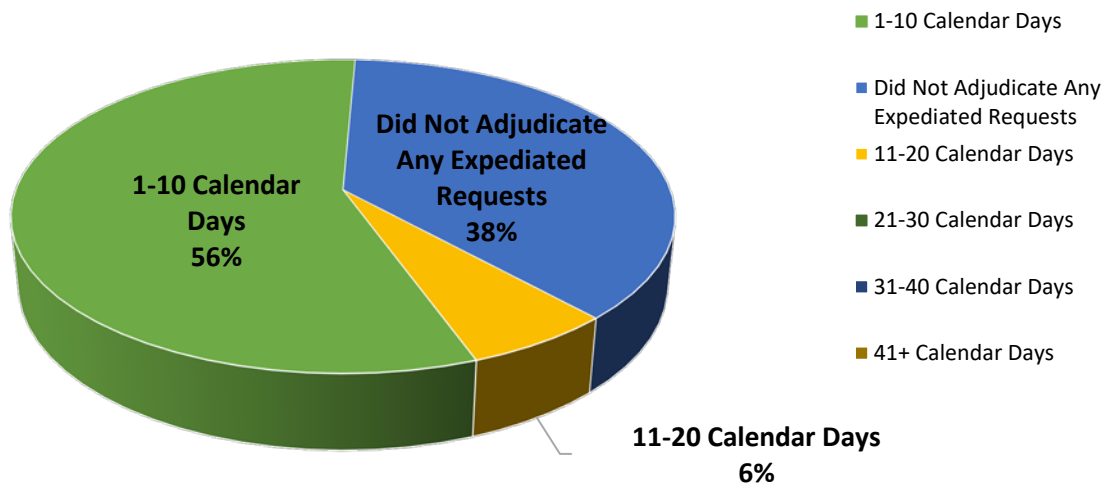
2.0 Steps Taken to Ensure that DoD has an Effective System in Place for Responding to Requests

2.1 Processing Procedures

For FY17, the average number of days reported for adjudicating requests for expedited processing in DoD was 3.7 days which is a significant improvement over FY16's average of 7.9 days. Of the components, 38% report not adjudicating any requests for expedited processing, while 56% report adjudication within 10 calendar days which is a continuing positive trend over last year *and* the previous year. Only two components missed the 10 calendar days and those were attributed to

human error and lack of close queue management. The components worked hard this fiscal year to successfully cure previous year problems with Initial Denial Authority (IDA) inaccessibility, understaffed offices, other duties and conflicting priorities.

DoD Components Average Number of Days for Expedited Requests in FY17



Additionally, most DoD Components report conducting some form of self-assessment of their FOIA programs. For example, DoD IG has a unique approach in analyzing request data on a weekly basis and running metric comparisons against previous year data which includes FOIA analyst queues, oldest 40 cases, and outstanding consultations. The leadership encourages analyst feedback and specifically sets aside time at the end of the fiscal year to exchange verbal self-assessments of the program.

The most popular methods of self-assessing FOIA programs in the DoD are case or case tracking software assessments and continuous process improvement (CPI) style initiatives where staff members are encouraged to suggest and implement improvements and streamlining opportunities.

For instance:

- DISA undertook a CPI review in FY16 and carried the project into FY17. The CPI specifically focused on timeliness, backlog, tracking tools, outreach and response quality. As a result of the findings, DISA is about to adopt a new database developed specifically for its processes which will facilitate efficiencies in its FOIA processing and reporting.
- DTIC executed a complete review of internal processes in search of substantial choke points and areas vulnerable to inefficiencies. DTIC recently adopted a new document delivery process and the FOIA Officer is working closely with the technical report ingest to ensure efficient continuity of FOIA services.

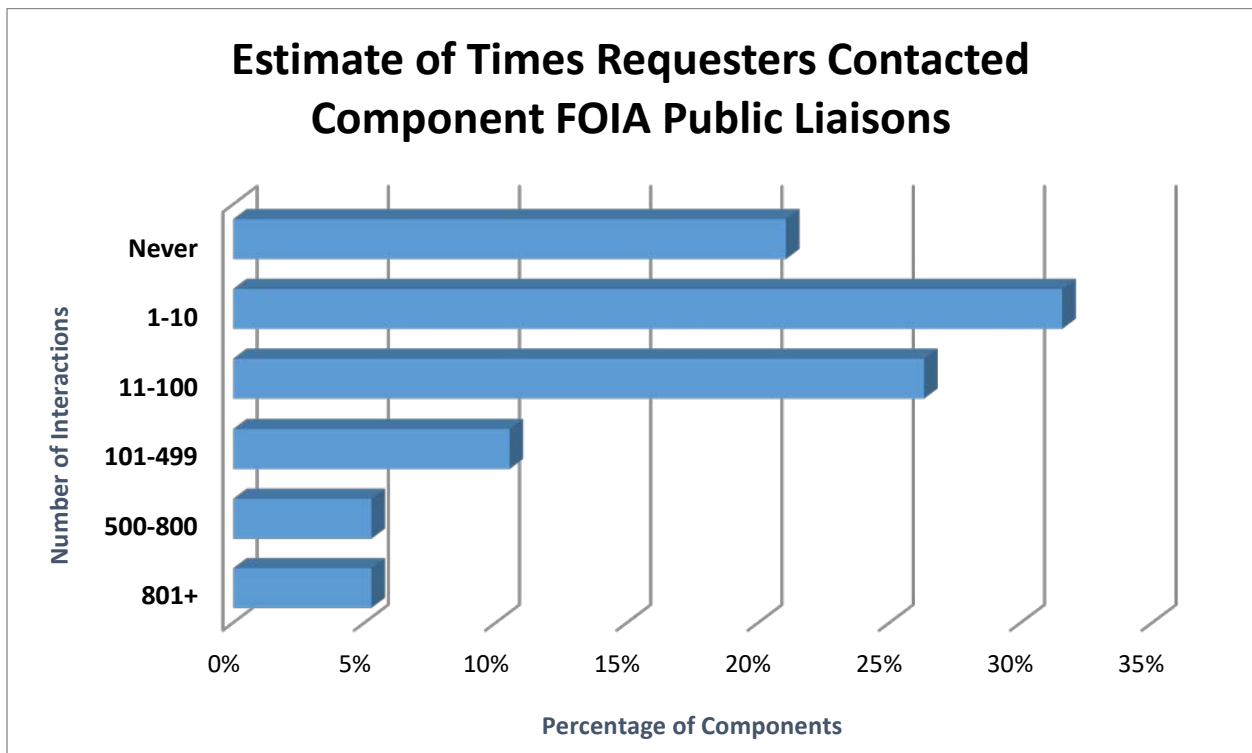
- Navy runs a formal self-assessment process on a monthly and quarterly basis which includes comparisons similarly to DoD IG's, in that production and individual workload are measured against past performance. Long term trending is also tracked against historical annual report data. NGB and NORTHCOM similarly reported assessment processes which consider historical data in future improvement strategy development.
- DFAS aggressively uses the Managers' Internal Control Program (MICP) for implementing its ongoing self-assessments. DFAS created high level and business level process maps for FOIA program key processes which includes key objectives, associated risk, non-key and key controls, test controls and desktop instructions. Its assessments include key controls for daily, weekly, and monthly basis reporting.
- Army has a decentralized program and reports that the subcomponents conduct command self-assessments and make policy and tool recommendations to the Army FOIA policy headquarters office. Some of the topics discussed have included backlogs, appeals, ten oldest cases, and consultations.
- CENTCOM, in the course of its self-assessment, updated the Command FOIA Processing Guide along with conducting weekly reviews of the ten oldest cases. DCAA has undergone a FOIA processing consolidation so that all review is executed at the headquarters and as part of the self-assessment considerations, also updated the processing guide to more clearly articulate changes. DHA is in the process of updating its programmatic documentation and will be implementing the new DOJ toolkit as part of the refresh.
- DIA continued its best practice of a quality review of all the open cases at the start of the year to ensure that all cases were moved to the right processing step. It also updated internal guidance and took corrective actions following the routine Office of the Inspector General (OIG) inspection finding of two discrepancies. STRATCOM also underwent an OIG inspection and the outcome was complimentary. It included statements regarding the excellent methods for tracking requests, providing outstanding customer service and tasking autonomy that allow the FOIA Manager to directly task, as opposed to administratively staff, SMEs with FOIA requests.
- PACOM conducted a self-assessment against the case tracking database by executing a thorough scrub of data entry comparisons to case files, and ensuring workflow and track management were accurately captured.
- DoDEA implemented the DOJ toolkit and reviewed quarterly reporting data from its divisions. As part of the review, one of the divisions was provided with additional assistance on timeliness which directly resulted in improved response times.

Finally, NGA, NRO, NSA, and OSD/JS all report CPI activities. The collective results found inefficiencies in processes and tools that could be improved with resources. Several updates and changes in both standard operating procedures and analyst workload tracking, were implemented.

2.2 Requester Services

All the DoD Components make their FOIA Public Liaisons available for feedback, questions and concerns. Contact information is posted on <https://www.foia.gov/report-makerequest.html> as well as component websites. The FOIA Public Liaison contact information is also included in response letters to requesters. Additionally, some components provide an anonymous feedback mechanism through online surveys.

As illustrated in the chart below, requesters never contacted DoD Component FOIA Public Liaisons at some components, whereas requesters contacted the FOIA Public Liaison on a routine basis at others.



The DoD has 19 FOIA Public Liaisons for the 32 DoD Components. Eighteen components have their own FOIA Public Liaisons, whereas the FOIA Public Liaison for OSD/JS also serves as the FOIA Public Liaison for 14 other DoD Components. The DoD estimates a total of well over 2,200 interactions, including the shared FOIA Public Liaison, during this reporting period.

2.3 Other Initiatives

DoD Components report a variety of initiatives and steps undertaken to ensure that their FOIA systems are operating effectively. Improving the centralized systems previously initiated, updating tools and formally implementing overhauled processes from previous reporting periods top this year's list of consistently improving efficiencies. As noted above, the DoD FOIA program operates on a federated model but some of the components are continuing to focus on efforts to internally centralize key systems.

For instance, DoD IG converted its process to a new case management system which automates the response to initial FOIA requests and has streamlined tracking within the component. A key piece to this realized efficiency is subcomponent participation in the system. The headquarters FOIA personnel now have all the relevant information in one place and can be more responsive to requesters. This efficiency also eliminated wasted time doing data entry across multiple platforms and subsequently introducing inadvertent errors. This conversion has also simplified generating elements of required reporting.

Additionally, NRO moved from pilot project to implementation on an effort in FOIA professionals “pre-processing” records before sending to subcomponents for review. The pilot effort was successful in saving SME time from having to start from the very beginning versus merely reviewing a draft. DCAA also engaged in effort consolidation by executing all FOIA processing and review at the headquarters office which also allows for greater consistency and efficiency across the program.

Other highlights include:

- Army indicates that ongoing adjustments to its case management system as a result of the changes wrought by the passage of the FOIA Improvement Act of 2016, are facilitating efficiencies and enhancements for its Army enterprise FOIA system.
- CENTCOM transitioned to a central repository for processed records that are requested more than once so that searching efficiencies can be realized going forward.
- After exploring a variety of commercial, off the shelf, products, DFAS determined that sending FOIA personnel to training for an already purchased standard office software product was most cost effective. The new, employee-created customized tool, has already created efficiencies in FOIA tracking and reporting and realized substantial savings for the component.
- DIA reports that it provided all of its requesters a status update at the beginning of FY17 and that it has added manpower supporting search processes.
- EUCOM designated FOIA Monitors in its subcomponents to better facilitate searches and responses to FOIA requests.
- JPRA continues to streamline its internal forms to better document record searches and processing costs while also considering implementation of an integrated library system to facilitate detailed searches.
- NGA implemented the initial stages of the National Archives and Records Administration’s Capstone approach to preserving senior leader emails. Capstone will enhance search capabilities going forward.
- NSA transitioned to a standardized tasking form after discussing methods for improvement with the offices tasked most frequently. As part of this process, it has also required returns of electronic, versus paper-based, responsive records.

- OSD/JS is working closely with its system developer to add in a de-duplication feature for electronic records, and most importantly, email records. De-duplication, or the use of electronic tools to locate information that is an exact replica of another set of information, is most useful with large search results where human reviewers may not recognize duplicated information and spend time reviewing material that has already been processed.
- SOUTHCOM fully implemented a log tracking exchange with its geographically separated attorneys who support the FOIA program. This effort has facilitated efficiencies with current pending actions.
- TRANSCOM found ways to improve its case tracking system that make it more user-friendly for the FOIA professionals using it, as well as for in-depth reporting. It also updated associated forms, tasking sheets and checklists, and provided training on the upgrades.

Finally, NORTHCOM continued making significant forward progress in its FOIA administration as it improved search processes in its portal-based system. The earlier transition to this system facilitated the FOIA professional's ability to execute initial searches and then task specific organizations based on the search results instead of assigning searches to organizations and awaiting responses. NORTHCOM spent the last two years implementing an electronic records management application which improved record search and retrieval on its systems and in this reporting period, has completed the transition on its classified systems.

The key theme in the highlights above is the DoD Components commitment to long-term process improvement. The components are continuing last year's initiatives, implementing initiatives piloted in other components, and trying new approaches in streamlining their overall processes.

3.0 Steps Taken to Increase Proactive Disclosures

3.1 Posting Material

With respect to making and improving proactive disclosures of information, DoD Components have taken these actions:

- DoD IG has mandated that each DoD IG audit and evaluation report be considered for public release at the time of issuance, which resulted in proactive release of 101 of 113 FY17 reports. The DoD IG also revised its website, <http://www.dodig.mil/FOIA/FOIA-Reading-Room/>, making it more user friendly and responsive to searches.
- DeCA proactively released detailed commissary sales information including FY17 Super Bowl sales and FY18 cumulative sales, <https://www.commissaries.com/node/1840>, on its FOIA reading room website.
- Air Force proactively disclosed a variety of subjects on its FOIA reading room website, <http://www.foia.af.mil/Library/>, including aircraft accident reports, historical reports,

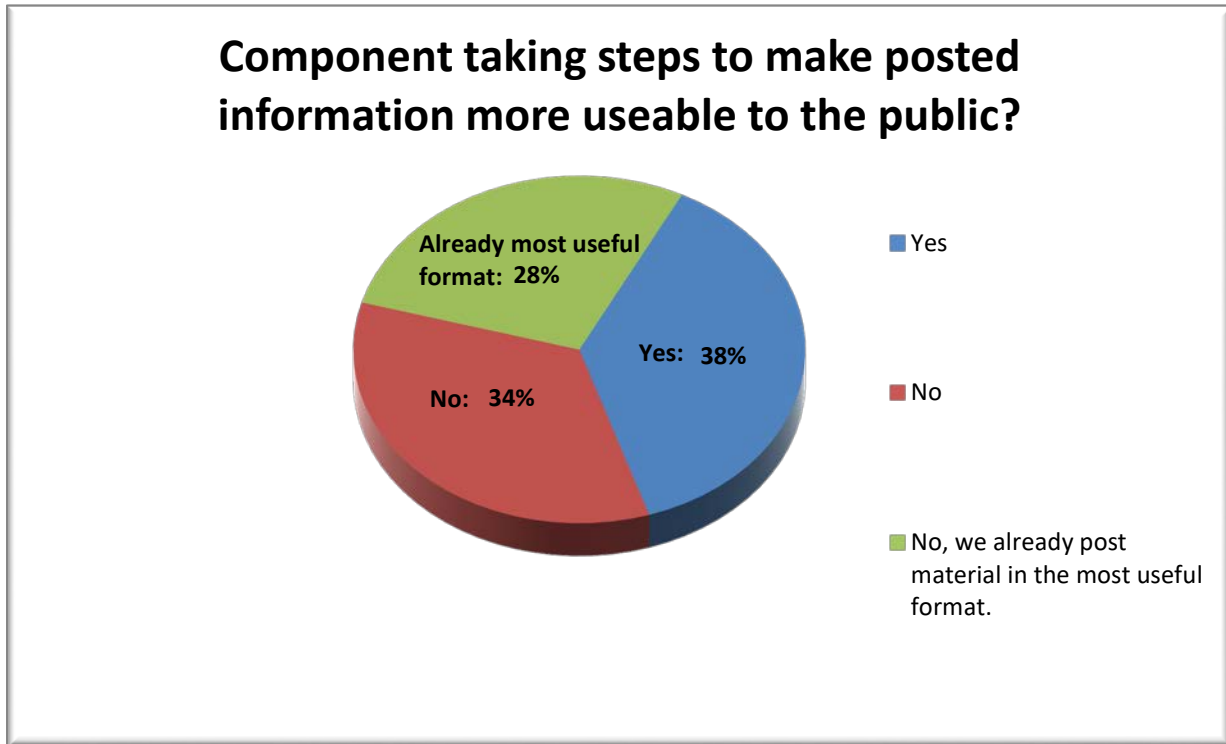
contracts, mission reports, audit reports, radar reports, FOIA logs, FOIA annual reports, organizational charts, phone books/directories, FOIA training material, policy, guidance, flight operation, unit history, and historical honors.

- DLA reports regular proactive disclosures, <http://www.dla.mil/HQ/InformationOperations/LogisticsInformationServices/FOIAReading.aspx>, on subjects such as ammunition codes, CAGE codes and Master Requirements Data.
- Navy reports that in addition to proactive releases available on its FOIA Library, the Navy and Marine Corps Public Health Center, contains a number of proactive releases, <http://www.med.navy.mil/sites/nmcphc/environmental-programs/pages/risk-assessment.aspx>.
- DSS reports proactive releases through several of its Directorates, including Counterintelligence, <http://www.dss.mil/ci/index.html>.
- AFRICOM reports proactive releases on transcripts and other senior leader engagements, <http://www.africom.mil/media-room/transcripts>.
- Army reports releases related to monthly Court-Martial Results of Trial, Army 15-6 Investigations and military insignia documents, <https://www.foia.army.mil/readingroom/index.aspx>.
- NRO has a number of proactive releases on a wide variety of topics, <http://www.nro.gov/whatsnew.html>.
- ASBCA decisions are available proactively and 450 opinions and significant orders were posted in FY17, <http://www.asbca.mil/Decisions/decisions2017.html>.
- The DCAA website, www.dcaa.mil, contains information to assist stakeholders and provide general information to the public. This information includes audit guidance documents and checklists to help businesses prepare for DCAA audits. DCAA has also posted the outside auditor's review of DCAA's financial statements <http://www.dcaa.mil/Home/AuditedFinancialStatements?title=Audited%20Financial%20Statements>.

During the reporting period, many DoD Components publicized and highlighted these important disclosures for public awareness. DoD IG offers an email subscription service for notification of new postings. DoDEA creates specific webpages if there is a crisis at a particular school so that the relevant material is consolidated in one location. Most components are on social media and report making announcements through a variety of platforms including Facebook, Twitter, YouTube, Flickr, RSS feeds, LinkedIn, and blog posts.

Additionally, component Public Affairs offices highlight important releases through regular media events and publications. Most components also report that they are either already posting

information in the most useful format or taking active steps to make the posted information more useful to the public, particularly to the community of individuals who regularly access the sites.



For instance, DoD IG recently updated and upgraded its website to enhance user access to the information, particularly by upgrading the website search capability. The new capability enables a single inquiry to search the entire website. Prior to this upgrade, a search of the FOIA Reading Room was separate from a search of the DoD OIG Reports page. Another enhancement to the new website is the added visibility of the recently issued and released DoD OIG audit and evaluation reports.

Navy has an emphasis on releasing records in their original format whenever possible and in uploading records to the FOIA website in an organized manner. AFRICOM recently created a new mobile application, while Army created and published a user-friendly search guide. NRO works with the Chief Historian so that the more historically significant releases are put into the proper context showcasing relevancy to today. DoDEA has emphasized the metadata aspect of their website so that searches return more useful information while ASBCA is working on full Section 508 compliance.

3.2 Other Initiatives

NORTHCOM is using web analytics to determine which records are viewed, and how frequently, in its FOIA reading room. NORTHCOM also challenges subcomponents that wish to take exemptions that can be applied with discretion, so that the presumption of openness is consistently applied across the entire component, while NRO meets with its agency historians and public affairs staff to gauge records that are of most interest. NRO's effort is a long-term one in determining which programs and topics may be good candidates for declassification efforts across the

subcomponents and other agencies. DFAS posted Retired Pay Statistics at the following link: <https://www.dfas.mil/foia/foiareadingroom.html>.

Additionally, DCAA continued steps to increase proactive disclosures through its Field Liaison Advisors who work with acquisition, contract administration, and contract audit personnel to coordinate audit processes and provide other valuable audit assistance. It also focuses on assisting small businesses with training and information to help them navigate the audit process. Those presentations and guidebooks are posted on its public website at http://www.dcaa.mil/audit_process_overview.html.

JPRAs have been working with the component Public Affairs Office to better emphasize the FOIA website, and Navy reports its FOIA professionals monitor current events, to readily identify subjects of potential public interest, so that proactive release efforts can be mobilized before requests are filed.

4.0 Steps Taken to Greater Utilize Technology

4.1 Leveraging Technology

Over 65% of DoD Components reported that they have identified best practices to leverage technology facilitating overall FOIA efficiencies. Several components reported working with their case management systems to automate internal steps and processes, improve case visibility and implement document release automation. Components also report using e-Discovery tools to search and de-duplicate emails. This feature is particularly useful with multiple strings of emails where unmodified original messages are repeated as the electronic conversation continued. Many components have also shifted to document sharing platforms so that there is greater ease and faster exchange for consultations and referrals.

Some components are exploring or implementing central repositories so that FOIA professionals can execute searches without awaiting subcomponent or SME search execution. Components report successful partnerships in the efforts which require close cooperation with records management officials. Several components have also reported work with their Knowledge Management Officers to better present information that has been difficult to find on their websites and to improve the relevance of what is posted.

4.2 Other Initiatives

DoD successfully posted all four quarterly reports consisting of information from all 32 components during FY17 and the data is accessible at the following link: <https://www.foia.gov/quarter.html?DoD>.

DoD also posted the data used for compiling the current and previous Annual FOIA Report. Those files, as well as the narrative reports, are available at the following link: <http://open.defense.gov/Transparency/FOIA/DoD-Annual-Reports-to-AG/>.

Some DoD Components are also exploring movement to the cloud on unclassified, as well as, classified systems in order to improve technological capabilities and efficiencies within the components. Others are establishing digital repositories for records reviewed during FOIA

processing so that original historical materials do not require additional handling. Finally, many components are exploring and moving into fully digital processing - from cradle to grave, including providing released materials in electronic form to the public. This movement to full, versus hybrid, digital processing, is very significant when considering the sheer number of paper files still created within DoD as well as security challenges and limitations on information transmission.

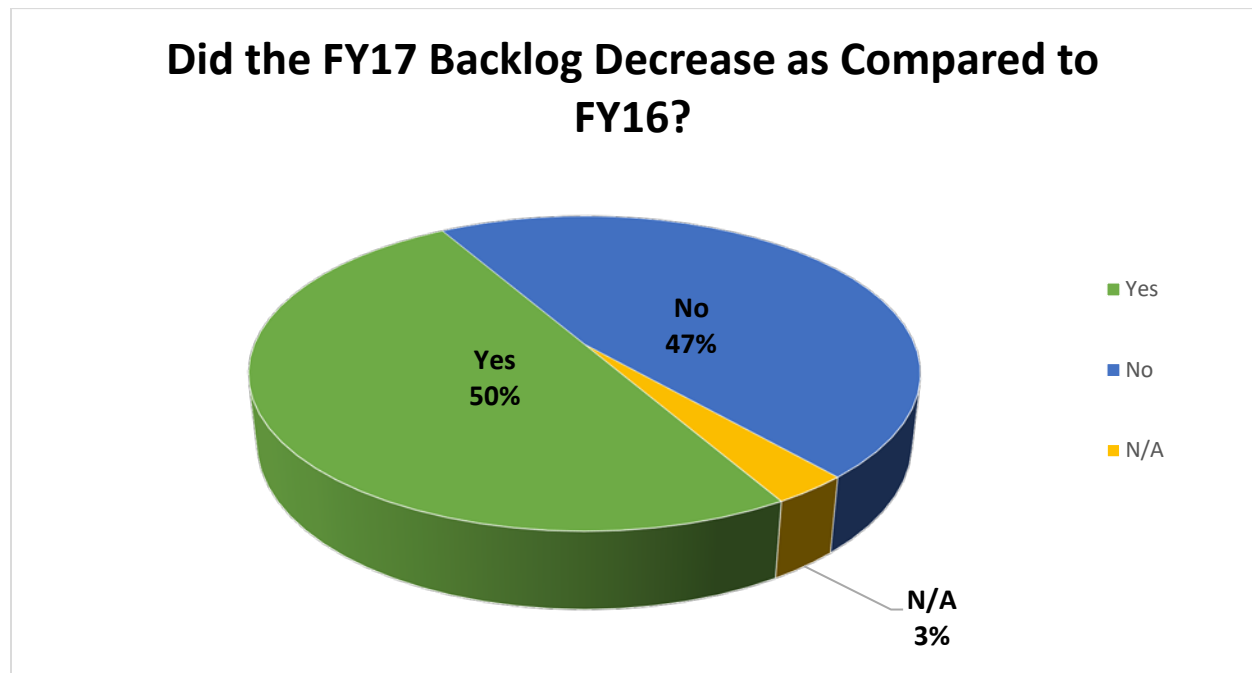
5.0 Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

5.1 Simple Track

All of the DoD Components use a separate track for simple requests. For DoD as a whole, the average number of days to process simple requests was 16.3 days. Additionally, 75% of components reported simple request processing times averaged 8.5 days. Considering that 55% of all FY17 requests processed by DoD Components were in the simple track, most requesters are seeing their cases resolved in less than 20 days.

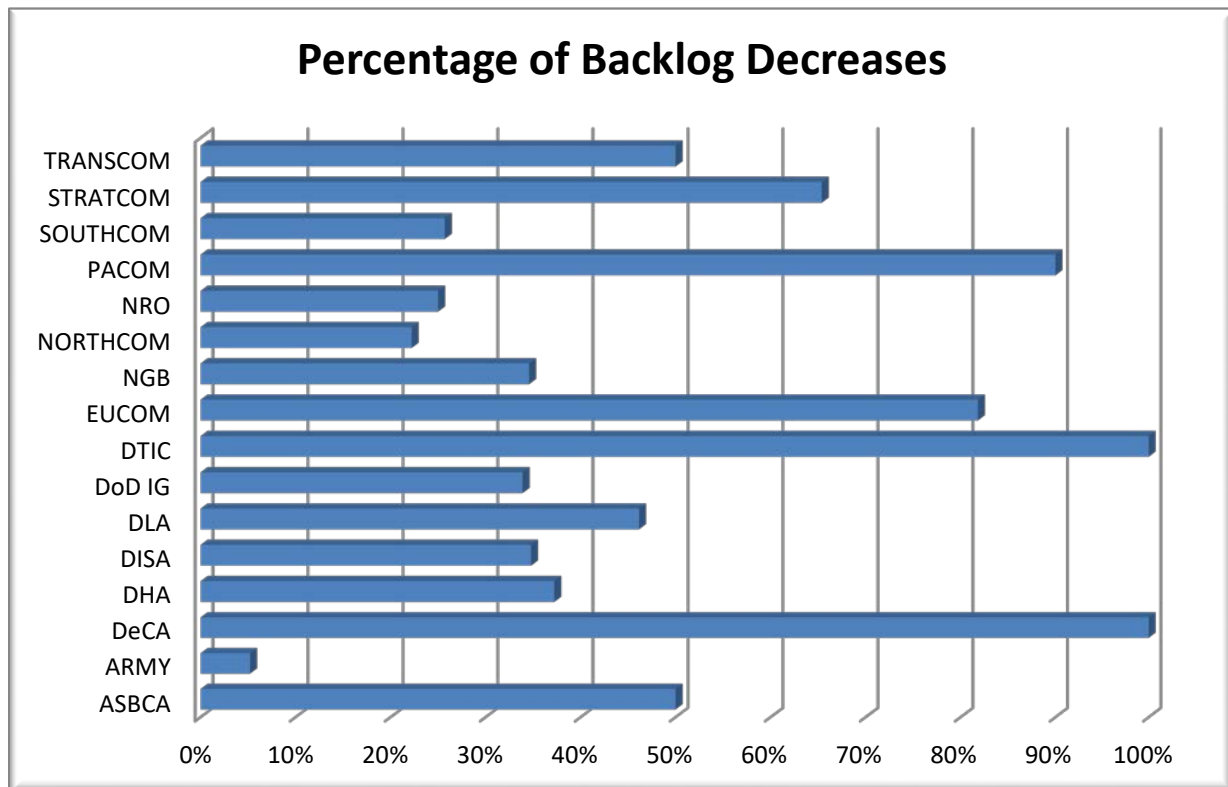
5.2 Backlogs

For DoD overall, the backlog went up 13.5% which is primarily representative of four components which each carried over 300 new cases into their backlogs. Of the 32 DoD Components, 3% had no request backlog at the end of FY16.



In FY17, 50% of DoD Components experienced a decrease in backlogs, which is an improvement over FY16, where 44% of DoD Components experienced a decrease in backlogs, and also an improvement over FY15, where only 34% of components had a backlog decrease. DoD IG specifically cites shifting its processes from one where each analyst processed the cases from beginning to end to one where each analyst owns a phase of the process. This shift in process

management is credited with netting this individual component a one-third reduction in its backlog while also introducing flexibility into the system where manpower can be surged to any phase experiencing challenges.



Fifteen components reported having no decrease for a variety of reasons, the primary one being an increase in the complexity of the requests received, followed closely by an increase in overall FOIA related volume of work and a significant loss in experienced staffing. NGB particularly pointed to this problem as the FOIA Office has gained additional responsibilities for processing PA cases for the newly established office of Complex Investigations while staffing remained stagnant and inadequate for the previous mission scope. Overall for DoD, the backlogged requests represent 18.8% of the overall requests received in FY17. Many components also indicated that while technological efforts are helping efficiencies overall, sometimes upgrades such as to Windows 10, cause temporary setbacks with compatibility issues for other tools. The components also point to complexity with requests concerning classified records and the enormous workload represented by litigation efforts as additional significant backlog complicating factors.

The traditional mindset of all agency-owned equities contained within records is being challenged through ongoing joint efforts to share and produce collaborative information across the DoD Components, and their subcomponents, as well as within the United States Government itself. This jointness and broader collaboration at the outset of record creation is causing complex issues on the other side of the records lifecycle as FOIA professionals are attempting to provide fully reviewed and releasable material to the public. These issues are not limited to traditional FOIA processing as it also affects material under litigation. When components report litigation burdens, they frequently are not pointing solely to their own component but also to work they are obligated to execute for other components or agencies in response to litigation driven deadlines.

Another factor is that while some components actively engage in rolling, or incremental, releases, those cases remain in their backlog despite the fact that records are regularly produced and made available to requesters. Additional concerns regarding backlog reduction efforts are those requesters who submit complicated requests that are not clearly defined and specific at the beginning of the process. Requesters who submit well delineated requests facilitate searching the correct office, for the right material of interest, and benefit themselves greatly in regards to enabling the FOIA programs to expeditiously begin and complete the process without delays related to understanding which records and defined topics have been requested.

In fact, DoD FOIA professionals have a strong desire to help the public find records of interest. Most enjoy working with requesters who understand that while there are a variety of issues and steps outside of the FOIA professional's control, the FOIA professional wishes to engage in productive dialog and understand the specifics that the requester is seeking, so that the most effective searches can be executed quickly. Specificity in request formulation is something that can be refined in discussions with the FOIA professional but it is also incumbent on requesters to do their own research in attempting to focus a request at inception. Requests that indicate, "...everything pertaining to..." a broad topic or "...any and all..." related to a broad topic, do not help the FOIA professional locate the right office or record set to search for responsive material. However, requests that provide details concerning people, places, events and timelines are constructed to provide multiple specific sets of information for most effective search opportunities.

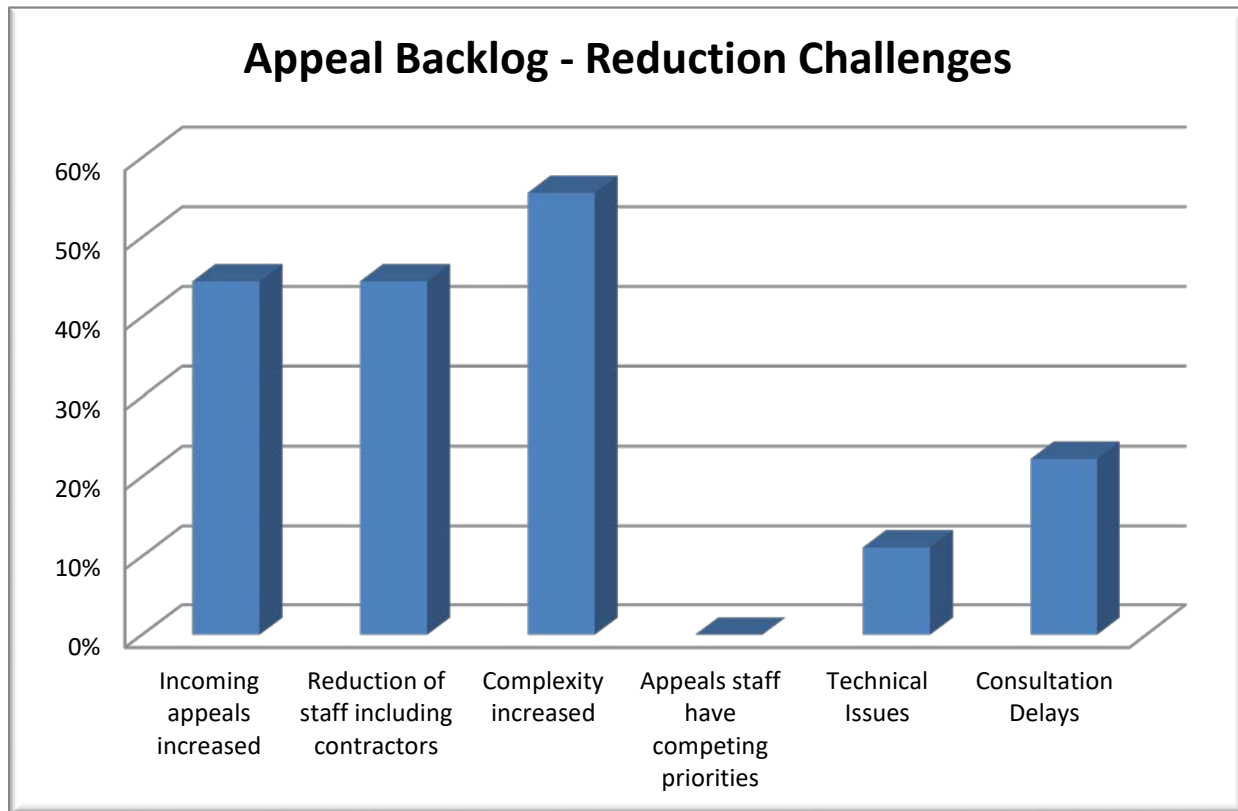
Constructing requests in this manner is analogous to querying an internet search engine for "WAVES and FDR" when trying to locate the letter President Franklin D. Roosevelt wrote congratulating the Women Accepted for Volunteer Emergency Service (WAVES) program for its one-year anniversary. The term "WAVES and FDR" finds all sorts of interesting items which are not the specific item desired whereas searching for "manuscript WAVES FDR first anniversary" returns a link for the Naval History and Heritage Command's Women in the U.S. Navy site (<https://www.history.navy.mil/browse-by-topic/diversity/women-in-the-navy.html>) which lists the manuscript (<https://www.history.navy.mil/research/library/manuscripts/u-z/first-anniversary-of-waves.html>) amongst the items in "Further Reading".

DoD records are usually not so easily located by the FOIA professional as an internet search engine query, but if a requester was looking for more information from the office that is responsible for the records or created them, a little research before filing the request would provide a great deal of specificity that enables the FOIA professional to quickly determine where to send the request for a search that has the greatest opportunity of locating the particular materials desired.

Requesters who perform more thorough research, similarly to the example above, position their requests to have the maximum potential for quickly reaching the correct office and locating responsive material. Unfortunately, sometimes even the best set of search terms and descriptive information still fails to locate responsive material for a variety of reasons such as the records were not permanent and were therefore destroyed in accordance with the records schedule or the records are permanent and have already been transferred to the National Archives and Records Administration.

In many cases, requesters appeal responses including those indicating "no records". Of the 32 DoD Components, 13 do not process their own appeals because the OSD/JS FOIA Appeals Branch handles the actions for them. Of the remaining 19 components, 68% report decreases or no appeal backlogs in comparison to FY16. Additionally, the overall DoD appeal backlog decreased 9%, a

significant reversal from the previous reporting period. The nine components experiencing an increase in their appeals backlog report similar overlapping issues as the request backlogs, namely the complexity and volume increases coupled with staff decreases. Many of the components with increases report multiple challenges as depicted in the chart below.



Overall, DoD received 1,171 appeals during the fiscal year resulting in 76% of the incoming appeals comprising the backlog.

5.3 Backlog Reduction Plans

The three DoD Components with backlogs over 1,000 requests at the end of FY16 implemented plans to reduce backlogs and address complicating factors. Unfortunately DIA, OSD/JS and NSA reported their plans were overcome by a perfect storm of staffing losses, litigation increases and ongoing high profile events. Collectively their backlogs went up 395 cases over the previous reporting period. These components with over 1,000 requests at the end of FY16, were also joined by Air Force and Navy at the end of FY17.

DIA acquired more resources in FY17 and the results will be more evident in future years since it takes time to make demonstrable progress against the incoming volume of requests. OSD/JS reports that its plan to work with its human resources support team to provide more timely actions and to hire experienced, qualified personnel was started and will be continued into the future.

NSA implemented its plan to increase personnel but the effort did not net as many resources as anticipated. Its plan for this year remains re-establishing multiple queues to improving overall case

efficiencies and to acquire more resources. It also hopes to implement the findings from its process improvement work to better capitalize on technology improvements.

Air Force and Navy senior leaders have emphasized the importance of FOIA throughout the components, plan to more closely monitor subcomponents carrying backlogs, and will require reporting from subcomponents on root cause resolution. Air Force also engaged in a backlog reduction review at the FOIA office level for subcomponents failing to meet a 10% reduction goal and required individual backlog reduction plans from those offices.

5.4 Status of Ten Oldest Requests, Appeals, and Consultations

In FY17, DoD closed eight of its ten oldest requests, none of which were withdrawn. In fact, of all the DoD Components, only one component had a ten oldest request closed because it was withdrawn by the requester and there was an interim response for the case. Additionally, all the components closed at least one of their ten oldest and 50% closed *all* of their ten oldest.

- ASBCA, DCAA, DeCA, DFAS, DHA, DIA, DISA, DLA, DoDEA, DSS, DTIC, JPRA, NRO, OSD/JS, SOCOM, and TRANSCOM closed all of their ten oldest. JPRA had one closed because it was withdrawn by the requester.
- PACOM and STRATCOM closed all but one of their ten oldest.
- CENTCOM, DCMA, DoD IG, and NGA closed all but three of their ten oldest.
- DTRA and NGB closed all but four of their ten oldest.
- Air Force and NSA closed half of their ten oldest.
- EUCOM closed four of its ten oldest.
- Army, SOUTHCOM and NORTHCOM closed two, while Navy and AFRICOM closed one of their ten oldest.

In FY17, DoD closed all ten of its ten oldest appeals. Of the 19 DoD Components that process appeals, 13 reported backlogged appeals at the end of FY16.

- DCMA, DIA, DISA, DLA, Navy, NSA, and OSD/JS closed all of their ten oldest.
- Army and NRO closed all but one of their ten oldest during the fiscal year.
- DoD IG closed seven of its ten oldest, DTRA closed two of six ten oldest, Air Force closed two of its ten oldest while NGA was unable to close any of its ten oldest.
- DHA continues to experience complications from multiple reorganizations and due to an oversight, failed to report appeals older than previously reported on the ten oldest and so

cannot demonstrate what would have been progress against this metric during this reporting period.

In FY17, DoD closed one of its ten oldest consultations. Unfortunately, due to a data-entry malfunction, the cases reported as the ten oldest consultations for DoD at the end of FY16, were not in fact, consultations and were actually backlogged requests. At the time of writing, the issue remained in the process of correction with the affected component. Of the consultations reported by the unaffected DoD Components at the end of FY16, only one was closed in FY17. Of the 32 DoD Components, 12 reported no outstanding consultations at the end of FY16.

- DHA, DIA, DoD IG, DSS, NGB, NRO, OSD/JS, and TRANSCOM closed all of their ten oldest.
- DISA and STRATCOM closed all but one, and CENTCOM and DTRA closed all but two of their ten oldest.
- NSA closed all but three of its ten oldest.
- Air Force, Navy and SOCOM closed three of their ten oldest while NGA and SOUTHCOM closed one of their ten oldest.
- AFRICOM was unable to close any of its ten oldest.

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

As with other challenging areas, the inability to close the remaining open ten oldest requests and consultations were a result of complexity of cases, personnel turnover and short staffing along with case volume, records classification status and other requirements such as litigation mandated deadlines. Additionally, seven components reported that they were unable to close some of their ten oldest requests because they were awaiting responses from consultations.

Air Force:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
01/09/14	02/18/14	04/03/17

DoD IG:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
10/01/09	10/05/09	11/03/17
6/16/11	5/30/14	10/19/17
7/29/11	5/30/14	10/19/17

JPRA:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
10/27/15	04/02/16	01/13/17
07/14/16	11/17/16	02/27/17

Navy:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
12/11/15	4/18/17	11/22/17
12/11/15	4/18/17	11/22/17
12/11/15	4/18/17	11/22/17

NORTHCOM:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
03/22/11	09/27/13	09/30/17
01/31/12	06/21/16	09/30/17
12/12/13	05/22/14	09/30/17
03/10/14	05/22/15	09/30/17
05/20/15	06/08/15	09/30/17
02/08/16	06/10/16	09/30/17
04/20/16	06/10/16	09/30/17

NSA:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
01/10/02	07/17/17	10/05/17

SOUTHCOM:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
06/02/10	10/01/15	6/6/17
08/20/10	06/09/16	09/28/17
10/01/10	09/08/16	10/30/17
10/01/10	09/08/16	10/30/17
07/15/11	09/09/15	10/30/17
09/12/11	6/14/16	09/28/17
09/06/11	05/24/17	10/27/17

The DoD Components that did not close the ten oldest pending requests or consultations comprising the overall DoD oldest cases, described a variety of methods regarding how they intend to close the ten oldest. They are aggressively monitoring metrics, increasing the frequency of status checks as well as expanding senior leader reporting. They are also augmenting personnel where possible. The remaining components having ten oldest pending requests, appeals and consultations described similar plans, as well as strategies for regularly contacting agencies holding these older consultations.

6.0 Success Story

There are numerous activities undertaken by the DoD and the DoD Components since March of 2017, to increase transparency and improve FOIA administration. DoD remains steadfast in its commitment to sustainable training and outstanding customer service. Achieving these important goals across the 32 DoD Components illustrates purposeful action at all levels and CMO continues leading the way through online training modules and low cost compliance workshops in areas with significant DoD active-duty and civilian personnel concentrations. These training opportunities afford DoD personnel around the globe opportunities to expand their FOIA knowledge.

- STRATCOM's FOIA Officer has implemented a "first-review" process whereby recommendations are presented to SMEs so that the SME review is more efficient and rapidly completed. This new process coupled with clear senior leader involvement and support for the program have resulted in streamlined steps with quicker turn-around time for cases.
- DCAA completed the eighth consecutive fiscal year with no request backlog.
- NORTHCOM continues to receive compliments from requesters emphasizing, "This is exactly what I was looking for..." and expanding its proactive release program to the Command Narrative. The NORTHCOM FOIA program also received recognition from the Chief of Staff, a major general, for successful efforts in streamlining the program.
- NRO implemented the first "Sunshine Week" proactive release and reduced its backlog by 25%.
- SOUTHCOM reduced its backlog by 25%.
- NGA established a "Road Show" program to educate its non-FOIA professionals, at its own subcomponent staff meetings, on FOIA/PA laws, processes, and procedures which resulted in the components better understanding FOIA obligations and turning requests around in a timelier manner. This has saved FOIA program staff time spent on explaining issues with each request because the subcomponents already understand fundamental FOIA requirements.

The 32 DoD Components continue showcasing commitment to the principles of openness as over 53,000 FOIA requests were processed during FY17. Given the often complex nature of requests directed to DoD and the extraordinary mission of protecting American assets at home and abroad, it is truly remarkable that over 90% of *all* received requests were processed in less than 100 days.