



Department of Defense

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

For 2020

*Preparation of this study/report cost the DoD approximately
\$21,000 for the 2020 Fiscal Year*

Table of Content

EXECUTIVE SUMMARY.....	I
1.0 STEPS TAKEN TO APPLY THE PRESUMPTION OF OPENNESS.....	1
1.1 FOIA TRAINING.....	1
1.2 OUTREACH.....	3
1.3 OTHER INITIATIVES	4
2.0 STEPS TAKEN TO ENSURE THAT DOD HAS AN EFFECTIVE SYSTEM IN PLACE FOR RESPONDING TO REQUESTS.....	6
2.1 PROCESSING PROCEDURES.....	6
2.2 REQUESTER SERVICES.....	8
2.3 OTHER INITIATIVES	9
3.0 STEPS TAKEN TO INCREASE PROACTIVE DISCLOSURES	10
3.1 POSTING MATERIAL.....	10
3.2 OTHER INITIATIVES	13
4.0 STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY	13
4.1 LEVERAGING TECHNOLOGY	13
4.2 OTHER INITIATIVES	14
5.0 STEPS TAKEN TO IMPROVE TIMELINESS IN RESPONDING TO REQUESTS AND REDUCING BACKLOGS.....	15
5.1 SIMPLE TRACK.....	15
5.2 BACKLOGS	15
5.3 BACKLOG REDUCTION PLANS.....	17
5.4 STATUS OF TEN OLDEST REQUESTS, APPEALS, AND CONSULTATIONS	18
5.5 ADDITIONAL INFORMATION ON TEN OLDEST REQUESTS, APPEALS AND CONSULTATIONS & PLANS.....	20
6.0 SUCCESS STORY.....	22



2020 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, 2019 to March 12, 2020.

I am pleased to submit the 2020 Department of Defense (DoD) Chief FOIA Officer Report to the Department of Justice. As the Chief Management Officer of the DoD, I am the senior advisor to the Secretary of Defense and the Deputy Secretary of Defense on business transformation and lead the Department's efforts to streamline business processes and achieve greater efficiencies in management, headquarters, and overhead functions. I also serve as the DoD Chief FOIA Officer, and in that capacity, have continued the DoD tradition of leadership dedication to the success of the Department's FOIA program through the 33 FOIA Requester Service Centers (DoD Components listed below) located around the world.

On my behalf, the Directorate for Oversight and Compliance (DO&C) within the Office of the Chief Management Officer 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 the 33 DoD Components.

The DoD has a decentralized FOIA program, with each of the 33 DoD Components 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) 2019, DoD Components processed over 54,000 FOIA requests, and 88% of *all* received requests in FY19 were processed in less than 100 days. DoD Components remain attuned to public interest with 40% of the Components closing all of their ten oldest requests, and the DoD was able to decrease its overall appeals backlog by 1% this fiscal year.

The 2020 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 DoD Components are focused on enhancing customer service and communications with FOIA requesters. Many report that public facing electronic tools assist requesters with tracking requests, monitoring progress towards case fulfillment, and finding 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.

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.

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Lisa W. Hershman
Chief Management Officer

DoD Components/33 FOIA Request Service Centers

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
CYBERCOM	U.S. Cyber 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
INDO-PACOM	U.S. Indo-Pacific Command
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
SOCOM	U.S. Special Operations Command
SOUTHCOM	U.S. Southern Command
STRATCOM	U.S. Strategic Command
TRANSCOM	U.S. Transportation Command

1.0 Steps Taken to Apply the Presumption of Openness

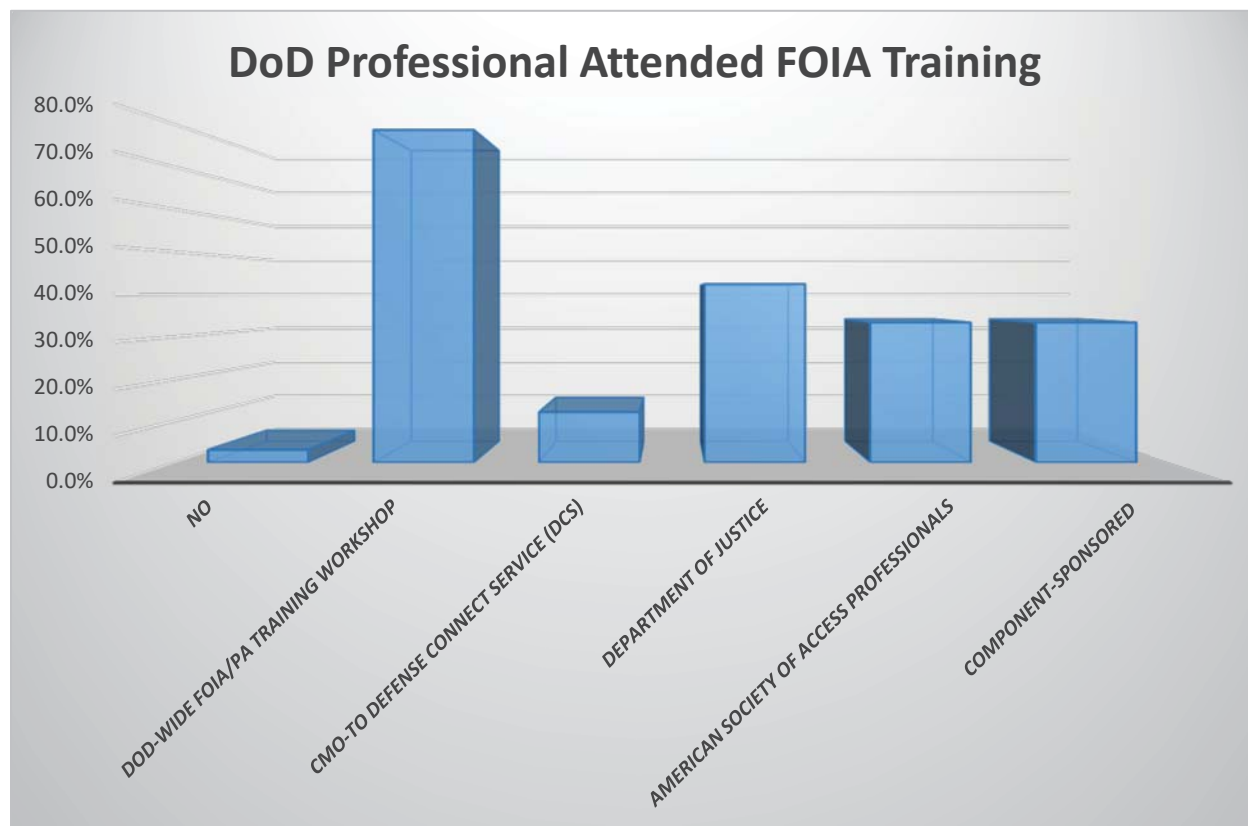
1.1 FOIA Training

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 two separate three-day FOIA/PA compliance workshops featuring expert instructors from multiple DoD Components. FOIA topics included DoD FOIA policy, the FOIA exemptions, document declassification, fees and fee waivers, litigation considerations, mechanics, and best practices in processing FOIA requests. PA topics included conditions of disclosure, privacy concerns with information sharing and social media, and system of records notices.

- The three-day workshops in 2019 were held at MacDill Air Force Base in Tampa, FL and Scott Air Force Base, IL. The target audiences for the first workshop were DoD FOIA professionals and attorneys on the Eastern seaboard. The target audiences for the workshop at Scott Air Force Base were the DoD FOIA professionals and attorneys based in Midwest region. In total, there were 506 DoD FOIA professionals and attorneys who attended the workshops.
- For 2020, the DoD will hold two three-day FOIA/PA compliance workshops; one will be held at Joint Base Pearl Harbor-Hickam, Hawaii (February 2020), and the other at the Mark Center in Alexandria, Virginia. (April 2020).

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 uploading previously recorded material and is the current platform upon which DOJ's Office of Information Policy (OIP) FOIA training videos are hosted.

During this reporting period, 97% of DoD FOIA professionals received formal FOIA training. Over 78% 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. Additionally more than 42% of the Components sent personnel to DOJ's OIP training. Approximately 33% of DoD Components sent personnel to the American Society of Access Professionals training, as well as provided internal training. Due to the lack of personnel, one Component was unable to attend training this year. However, this Component took additional steps to remain current on new guidance and court decisions DO&C disseminated to the field.



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 trained FOIA managers on current guidance, issues, best practices, and lesson learned in processing FOIA requests via biweekly FOIA telecom. The Component conducted site assisted visits with FOIA organizations, which enabled the AIR FORCE to assess and implement processing changes to assist these Components with reducing their backlog. Additionally, AIR FORCE facilitated annual eFOIA (FOIAXpress) training for FOIA managers as well as the eFOIA program management team.
- DODIG requested training from the Office of Government Information Services (OGIS) on the topic of dispute resolution. DoDIG also incorporated this information into Component FOIA point of contact (POC) training, which entails best practices in searching for and providing responsive records to the FOIA Office.
- ARMY's Intelligence and Security Command (INSCOM) trained approximately 75 of its personnel on FOIA matters. In addition, the FOIA Office Chief personally conducted one-on-one FOIA training with 10 executive level INSCOM leaders.
- DHA provided an introduction to FOIA processing training during the annual Health Information Privacy & Security Conference. This training was comprised of FOIA

exemptions; the roles and responsibilities of the Requester Service Center; and the types of FOIA requests the agency typically receives. DHA also provided three desk side training sessions, which covered the role of the FOIA POC and how to respond to records search requests.

- DLA, DTRA and OSD/JS 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. Furthermore, these Components conducted training for Subject Matter Experts (SMEs). OSD/JS also delivered training to FOIA Action Officers for proper handling of classified information.
- DIA held internal training for new FOIA personnel and SMEs on the purpose of the FOIA, FOIA processes, application of the FOIA exemptions, responding to FOIA taskers, and generating final responses to requesters.

1.2 Outreach

This year, 73% of the DoD Components reported no engagement in formal outreach activities with the requester community. However, throughout the year, these Components were 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 types of 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.

A few of the DoD Components reported engagement in formal outreach activity. For example:

- NGA participated in the American Society of Access Professionals (ASAP) conference. The conference gave NGA opportunities to connect with the requester community. NGA is creating a survey, in which requesters have the ability to provide feedback on its customer service.
- ARMY Components continue to work closely with ARMY public affairs offices worldwide, and with command related/community outreach groups ensuring open dialogue to address general questions, provide feedback on complaints and recommendations, and questions related to FOIA processing and specific FOIA cases. These outreach activities often include spouses of military personnel, and veteran outreach programs.
- DoDEA worked with the FOIA Public Liaison to arrange a meeting with a frequent requester to discuss the capabilities of one of its student programs.

1.3 Other Initiatives

The DoD Components reported a variety of methods to inform non-FOIA professionals about FOIA and indicated that the most effective tool is senior leadership awareness and reinforcement of the importance of FOIA.

Similar to last year, the most commonly employed methods for informing non-FOIA professionals are general FOIA training for all personnel and more detailed training for SMEs. The general training is necessarily broad and introductory in nature while the SME training features detailed guidance on the proper application of FOIA exemptions, with the objective of SMEs understanding both the FOIA – in terms of the law, and the particular agency policies – in terms of practical application.

For instance:

- NGA conducted FOIA training for non-FOIA professionals during the NGA FOIA/PA Working Group. This training discussed the application of the law and policies, as well as providing the FOIA SME POCS more detailed information regarding FOIA/PA exemptions, statutes, marking, and classification redactions. NGA also conducted “FOIA Roadshows,” where agency Components were briefed during staff meetings on topics such as FOIA/PA laws, processes, and procedures.
- AIR FORCE Senior Leaders and Commanders regularly remind and reaffirm to the Office of Professional Responsibility (OPR), the AF's commitment to full compliance with the FOIA to mitigate litigation penalties, to support FOIA professionals, and to ensure FOIA programs are adequately resourced and processes are continually analyzed for improvements. With the ongoing increase in the AF FOIA backlog, senior leadership continually addresses the historically high AF FOIA backlog with their OPR's to highlight the importance of providing responsive documents/records in a timely manner in order to remain compliant with the law. In addition, AF FOIA office and Requester Service Centers (RSC) provide their senior leadership monthly FOIA program updates and reiterate their obligations under the FOIA.
- The DoD IG FOIA Office hosts informational meetings and training sessions with internal Components. It is in the coordination process of updating the DoD IG FOIA Instruction, which outlines the agency's obligations under FOIA.
- NGB assembled a working group that focused on improving record searches which are primarily done by non-FOIA professionals. In meetings held with program offices, the group was instrumental in explaining the importance of FOIA and providing guidance on the obligations of the non-FOIA professionals in searching for records, providing release recommendations, and completing documentation to account for time spent processing requests. New checklists outlining their responsibilities for searches and recommendations were drafted and put into practice. This new approach is designed to reduce processing time and make the process clearer for personnel who do not do FOIA on a daily basis, but play a role in the review and release of records.

- TRANSCOM provided overview training during the newcomers and action officers training, and specialized training to the Contracting Directorate. This training focused on FOIA exemptions, redacting responsive records, receiving FOIA requests, and proper FOIA procedures.

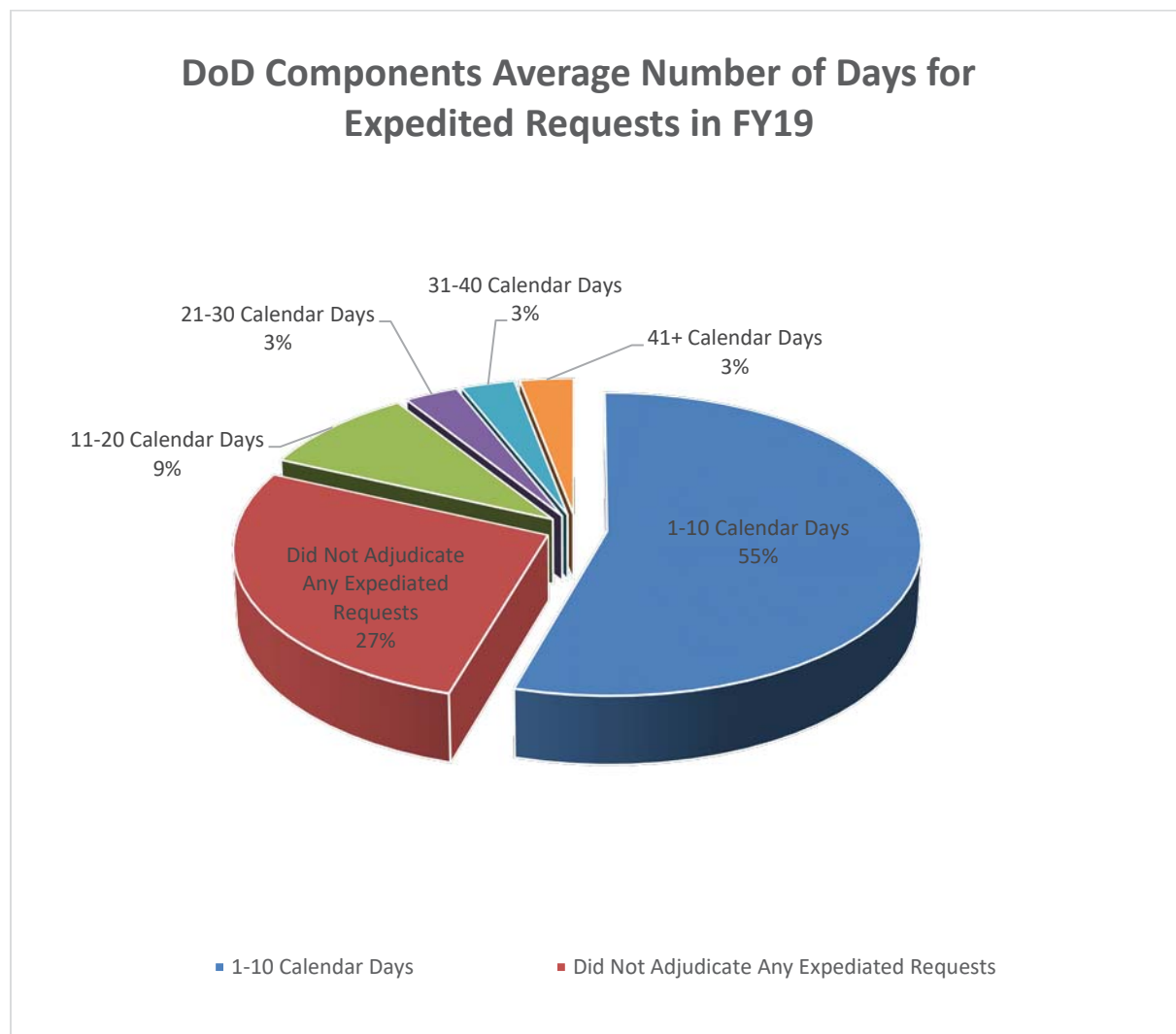
Another DoD initiative is to ensure the presumption of openness is being applied throughout the agency. Some examples of these initiatives are as follows:

- The annual DCAA Report to Congress highlights DCAA's audit performance, recommendations to improve the audit process, industry outreach activities, and key accomplishments and is posted online.
 - <http://www.dcaa.mil/Home/ReportToCongress?title=Report%20to%20Congress>
- DLA has proactively posted procurement history and other documents in the reading room for greater transparency.
 - <https://www.dla.mil/HQ/GeneralCounsel/FOIA/Freedom-of-Information/Electronic-Reading-Room/>
- AIR FORCE continues to publish written guidance AIR FORCE-wide to legal and FOIA professionals about the impact and presumption of disclosure of the FOIA Improvement Act of 2016, and the application of specific FOIA exemptions under this law. The AIR FORCE FOIA office maintains a close working relationship with AIR FORCE Public Affairs and Legislative Liaison Offices. Selected FOIA cases of interest are forwarded to Public Affairs and Legislative Liaison for potential news releases. The AIR FORCE FOIA office routinely publishes all FOIA response to the FOIA Library, except for privacy specific responses. In the current reporting period, 38,049 pages of responsive documents were added to the AIR FORCE FOIA library.
 - <https://www.foia.af.mil/Library/>
- The DTRA FOIA webpage was revamped with updated guidance. Postings in the Reading Room reflect released information on contracts and FOIA logs. Additionally, the DTRA FOIA Handbook was revised and posted on the website to provide information pertaining to specific details regarding DTRA FOIA request processing.
 - <https://www.dtra.mil/DTRA-Mission/Reference-Documents/FOIA/>
- NRO's FOIA For All website contains digital scans of all NRO released FOIA requests.
 - <https://www.nro.gov/FOIA/FOIA-For-All-Other-Public-Releases/>

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

2.1 Processing Procedures

For FY19, the average number of days reported for adjudicating requests for expedited processing in DoD was 28.9 days. This increase is attributed to one Component in particular that experienced inaccuracies with lack of close queue management and data entry. Of the 33 Components, 27% reported not adjudicating any requests for expedited processing. 55% of the Components reported adjudicating requests within an average of 10 calendar days, a decrease from the previous year. Six Components did not adjudicate these requests within a 10 calendar day average. This was attributed to human error and lack of close queue management. The Components continued to work hard this fiscal year to address problems previously reported with processing procedures, understaffed offices, other duties, and conflicting priorities.



Approximately 64% of the DoD Components report conducting some form of a self-assessment of their FOIA programs. For example, DFAS, used the Managers' Internal Control Program (MICP),

which created high level, business level, and tactical process maps for key processes within the FOIA Office. DFAS's MICP self-assessments were conducted using key controls that their office performed throughout the year on a daily, weekly, or monthly basis. Additionally, the FOIA Office achieved a rating of 98% in the category of reporting for timeliness and quality. The DFAS FOIA Office garnered a 90% pass rating on their 11 internal controls during the MICP testing cycle for FY19. Lastly, monthly metrics were provided to DFAS senior leadership to demonstrate timeliness of their FOIA cases.

Throughout the Department, the most popular methods of self-assessing FOIA programs are analyzing the data from the previous year's FOIA Annual Report and continuous process improvement (CPI) style initiatives where staff members are encouraged to suggest and implement improvements and streamlining opportunities.

For instance:

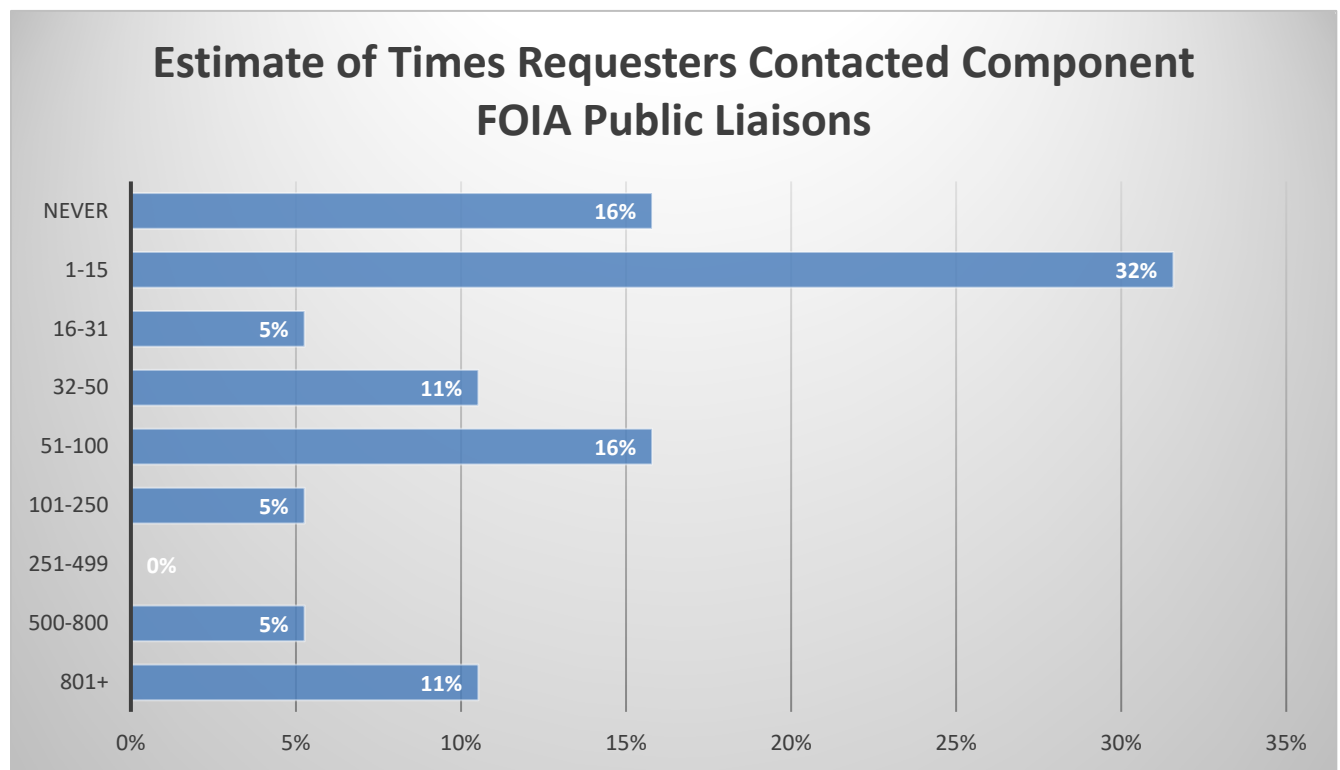
- NRO conducted an internal review of existing FOIA/PA workflows to streamline efficiency and processing. The result was a reorganized office and team structure which consolidated efforts to increase communication and expedite processing.
- DoD IG conducts assessments on a weekly basis by analyzing the request data from the prior week and the cumulative data for the fiscal year. DoD IG closely monitors each processing queue, all individual analyst queues, the oldest 40 cases, and outstanding consultations. DoD IG conducts bi-weekly meetings with their leadership to report on each of the aforementioned categories.
- The NAVY compiled and published monthly reports on request backlog and processing statistics, by Component and by sub-Component offices. NAVY also discussed Annual Report data in teleconferences to their leadership.
- ARMY reviewed and reported backlog numbers on a monthly basis. ARMY proactively reached out to ARMY sub-Components and discussed backlog reduction efforts and to identify administrative errors in the case management system (i.e. inadvertently failing to close entries, accurately identify request types, and unsuccessfully identifying an action officer, etc.).
- DIA conducted a self-assessment which led to their FOIA Backlog Improvement Plan. This plan was implemented in February 2019 and focused on organizational and team training, process improvement, digital processing, and maximizing available or additional resources. Additionally, DIA initiated a full digital process for new requests commencing at case creation. This and other continuing process improvements, especially in internal tasking activities, will make workflows and processes simpler and lead to eventually faster processing and increased production.
- The DoDEA FOIA program conducted a self-assessment by analyzing and discussing the information collected from the FY18 annual report data and comparing the data with the FY19 annual report data.

- AIR FORCE continued to conduct backlog reduction reviews with all FOIA offices that did not meet the 10 percent reduction goal and obtained backlog reduction plans from those FOIA offices and tracked the monthly plan progress.
- Finally, AFRICOM, CENTCOM, DLA, DoDEA, DoD IG, DSS, DTIC, DTRA, INDO-PACOM, and NAVY all report CPI activities, using tools such as FOIAonline, the Annual report and the OIP FOIA Self-Assessment toolkit to review internal processes and identify potential areas for improvement.

2.2 Requester Services

All the DoD Components have 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.

The chart below indicates the frequency of FOIA requesters contacting FOIA Public Liaisons for assistance throughout FY19.



The DoD has 19 FOIA Public Liaisons for the 33 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 15 other DoD Components. The DoD estimates a total of well over 2,000 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 efficiently and 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 DoD Components are continuing to focus on efforts to internally centralize key systems.

For example, NGB assembled a working group to focus specifically on record searches and improving record searches, which are primarily done by non-FOIA professionals. In meetings held with program offices, the group was instrumental in explaining the importance of FOIA and providing guidance on the obligations of the non-FOIA professionals in searching for records, providing release recommendations, and completing documentation to account for time spent processing requests. NGB also created new checklists outlining responsibilities for searches and recommendations to be implemented. This new approach was designed to reduce processing time and make the process more understandable for personnel who do not do FOIA on a daily basis, but have a role in the review and release of records.

Additionally, DCAA has updated its FOIA processing guide, which is available to the non-FOIA professionals at that Component.

Other highlights include:

- DIA established an Embed Program within the Directorates, in which two Senior Information Officers are currently assigned. This program offered training sessions to Directorate SMEs regarding the handling of FOIA requests, application of the FOIA exemptions and the obligations the SMEs have under the FOIA.
- JPRA continues to provide uniform guidance to archivists and SMEs. This guidance outlines proper search procedures, the importance of search documentation, requirements for line-by-line reviews, appropriate application of exemptions, and referral and consultation procedures.
- NSA's personnel teach an informal seminar each quarter to educate other members of the workforce on its mission and its obligations under the FOIA. Twice a year NSA presents briefings to Special Agents hired as a part of NSA's security force. NSA FOIA personnel prepared an article about FOIA, and posted it to the website.
- SOCOM initiated a FOIA Directive and is in the process of finalizing a FOIA Coordinator Handbook, as well as a new FOIA SME Processing Form.
- DHA is in the process of revamping the library to make more information publicly available. Also, the DHA FOIA RSC website will be updated to include a section for non-FOIA professionals.
- AIR FORCE continues to publish written guidance to legal and FOIA professionals about the impact and presumption of disclosure of the FOIA Improvement Act of 2016, and the application of specific FOIA exemptions under this law. The AIR FORCE FOIA office

maintains a close working relationship with the AIR FORCE Public Affairs and Legislative Liaison Offices. AIR FORCE Component FOIA offices routinely publish all FOIA responses to the FOIA Library, except for privacy specific responses. The AIR FORCE FOIA office also publishes frequently requested documents to the FOIA Library. In the current reporting period, 38,049 pages of responsive documents were added to the AIR FORCE FOIA library.

3.0 Steps Taken to Increase Proactive Disclosures

3.1 Posting Material

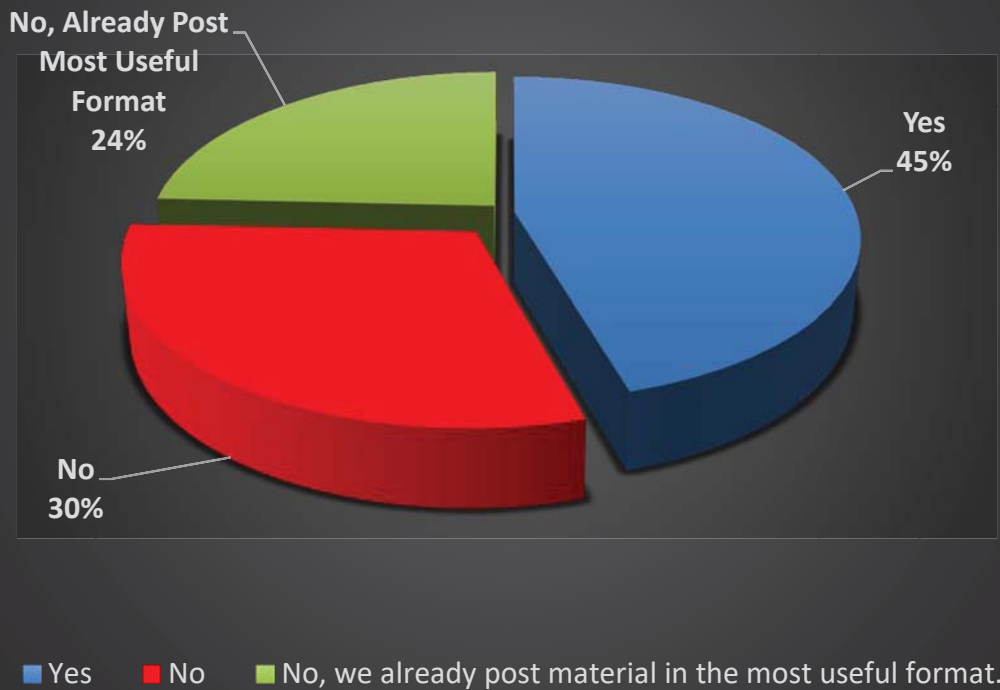
Several DoD Components have taken steps to improve proactive disclosure of information, such as:

- DIA proactively posts news articles about DIA sponsored or attended events, history articles about DIA, Congressional speeches and testimonies on the website: www.dia.mil/News/Speeches-and-Testimonies, <http://www.dia.mil/News/Articles%20www.dia.mil/News/DIA-in-the-News/>
- ARMY posted 101 records (1,183 pages) to the ARMY FOIA library online. These records include trial results, (Office of the Judge Advocate General); badges, insignia, and related documentation by the U.S. Army Institute of Heraldry; and results of ARMY owned drinking water systems analysis and documentation polyfluoroalkyl substances (PFAS) by the Chief Attorney and Legal Services Office. <https://www.foia.army.mil/readingroom/index.aspx>.
- The DCAA website, www.dcaa.mil, contains audit guidance documents DCAA auditors use while conducting audits, as well as checklists to help businesses prepare for a DCAA audit. The Component also posts the results of the outside auditor review of the Agency's financial statements. These statements provide important information on the Agency's financial health and compliance with applicable financial laws and regulations.
- DISA proactively discloses its FOIA logs at the close of each Fiscal Year, <https://www.disa.mil/About/Legal-and-Regulatory/Accessibility/FOIA-Reading-Room>
- ASBCA proactively posted opinions and significant orders in FY19, <http://www.asbca.mil/Decisions/decisions2019.html>
- DeCA proactively posted information for FY19, on their FOIA reading room website. <https://commissaries.com/our-agency/FOIA/FOIA-Electronic-Reading-Room>.
- The AIR FORCE proactively disclosed material/documents via the AF FOIA Library: <https://www.foia.af.mil/Library/>. These documents include President of the United States (POTUS), First Lady of the United States (FLOTUS), congressional travel, senior leader reports of investigation, records related to current news events, aircraft accident reports, historical reports, contracts, mission reports, government purchase card holders, audit reports, radar report, FOIA logs, FOIA annual reports, organizational charts, phone books/directories, policy, guidance, flight operation, unit history, historical honors, mechanical report, factsheets, and more.

- NSA posts rolling releases related to FOIA litigations and other requested records, such as TET declassified documents, Historic Photographs of NSA and its Predecessor Organizations, and the Herbert O. Yardley Collection:
 - <https://www.nsa.gov/resources/everyone/foia/reading-room/>
 - <https://www.intelligence.gov/tet-declassified/tet-declassified-documents>
 - www.nsa.gov/news-features/declassified-documents/arlington-hall
 - www.nsa.gov/news-features/declassified-documents/Yardley-Collection
- OSD/JS proactively released a variety of reports and additional material of interest to the public. Some of the proactive releases include:
 - Argentina Project: <https://www.esd.whs.mil/FOIA/Special-Collections-Library/Argentina-Declassification-Project/> (330 documents)
 - All FOIA releases without Privacy Act implications: https://www.esd.whs.mil/FOIA/Reading-Room/Reading-Room-List_2/ (450 documents)
 - Additional Material of Interest to the Public: <https://www.esd.whs.mil/FOIA/Proactive-Disclosures/> (7 documents)
- TRANSCOM's FOIA logs are automatically posted in the reading room when completed: <https://www.ustranscom.mil/foia/index.cfm?thisview=readroom#hideD>.

During the reporting period, many DoD Components publicized and highlighted these important disclosures for public awareness. 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.

Component Taking Steps to Make Posted Information More Usable to the Public?

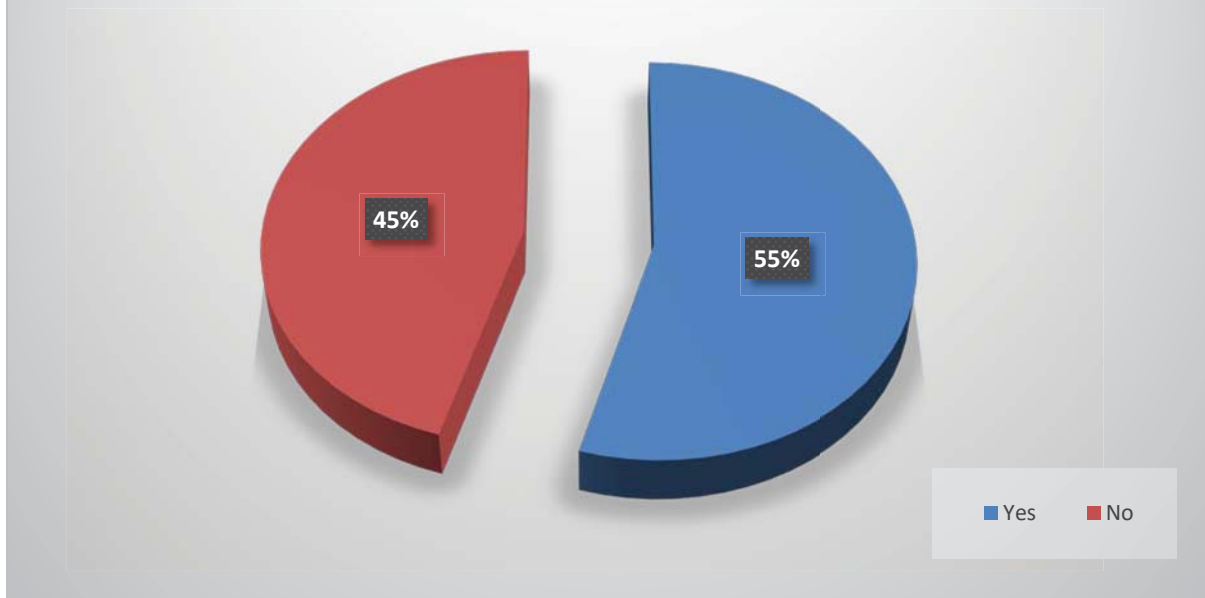


Since FY18, DoD Components actively taking steps to make posted material more useable to the public have increased from 42% to 45 % for FY19. This increase is partially attributed to the extra effort that DoD Components have taken to proactively disclose information and make it readily available to the public.

For instance, DTIC is constantly exploring new search and dissemination options as well as improvements to technical report submissions for improving access to publically releasable information. DIA continues to coordinate the posting of all FOIA releases to the agency website with the assistance of DIA's Office of Corporate Communications. NSA has a continued effort to redesign the Office of Information Management presence on NSA.gov, so requesters can easily locate records of interest. TRANSCOM is reorganizing the Reading Room and creating an index to make it easier to search for information. TRANSCOM utilizes optical character recognition (OCR), in order to make searching document easier. TRANSCOM is adding a FAQ section to their website to better inform requesters.

Additionally, the DoD IG website was built to be equally user-friendly for desktop and mobile viewing. In addition, the new website search function was improved to make searching easier and more intuitive. Users can also sign up for automatic notification when new documents are posted to the FOIA reading room.

DoD Components that Identified 5 U.S.C. § 552 (a)(2)(D) Records



Finally, in addition to the increase of posting useable material, approximately 55% of DoD Components identified records that were proactively disclosed pursuant 5 U.S.C. § 552 (a)(2)(D). This is an improvement over last year's 42%. These are records that have been requested and released three or more times. These records are identified through various methods throughout the department, such as: reviewing case logs; conducting searches for similar requests in the case management system; and FOIA Action Officer personal knowledge of previous requests.

3.2 Other Initiatives

Outside of the techniques and methods discussed above, DoD Components also practice reaching out to requesters to determine what to post, encouraging internal offices to proactively post material they have determined is clearly releasable to the public, and seeking authority from program offices for FOIA personnel to post new material.

4.0 Steps Taken to Greater Utilize Technology

4.1 Leveraging Technology

DoD continues to be committed to making its electronic and information technologies accessible to individuals with disabilities in accordance with Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended in 1998. Throughout the year, all DoD Components were encouraged to ensure that FOIA websites were working and 508 compliant. DoD Components were also encouraged to review and ensure that websites are compliant with OIP's Guidance concerning FOIA websites, including clear links to the Components homepage and ensuring FOIA homepages contain key information and available resources.

In FY19, approximately 61% of DoD Components reported that they were continuing to identify 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 reported 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. Some DoD Components also engaged in document sharing platforms to expedite record processing, which increases efficiency.

Finally, DIA initiated digital letterhead templates and electronic signatures for requester response letters. This effort is designed for complete digital FOIA case processing. For all cases, even older ones which were not initially digital, documentation relating to the case is digitized in the electronic case for the permanent file. This effort, and the digitized out-processing of requester response letters realized a 33% workflow efficiency. The digitization overall enabled shifting three personnel away from administrative duties to case processing.

4.2 Other Initiatives

DoD posted all four quarterly reports on time. The reports consisted of information from all 33 Components during FY19, and the data is accessible at the following link:
<https://www.foia.gov/data.html>.

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

All DoD Components are continuing to participate in a multi-phase workshop to explore options, including an enterprise-wide FOIA system to improve DoD efforts in best business practices for this field. Eventually, the goal is to transition to a Department-wide FOIA case management system, which will assist with standardizing the FOIA process. The case management system objective is to provide consistency in how DoD FOIA offices track cases, maintain records, and produce reports; leading to overall greater efficiency in FOIA processing.

Further, some Components have identified best practices with leveraging technology to facilitate overall FOIA efficiency. For example:

- In an effort to promote a collaborative FOIA environment, DoD IG created a shared drive, which allows the Action Officers to upload responsive documents pertaining to the requests. DoD IG also uses an email archive database that assists Action Officers when searching for emails that may be responsive to a request.
- AIR FORCE and CENTCOM use DoD SAFE for file transfer on consultations, referrals, and requester responses.

- NGB restructured their “Open Cases Log” to calculate real-time data regarding processing status and efficiency, which enables the staff to make timely adjustments and direct assistance to the areas with the most need.

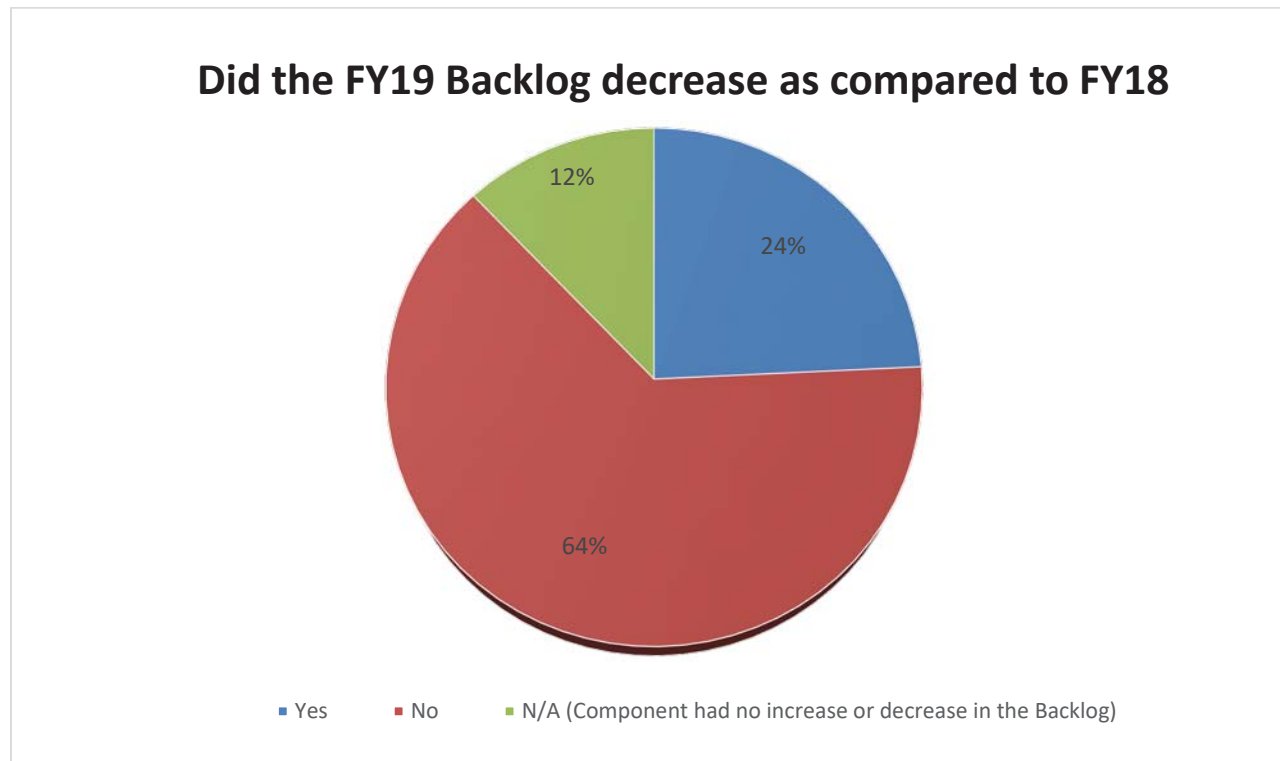
5.0 Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

5.1 Simple Track

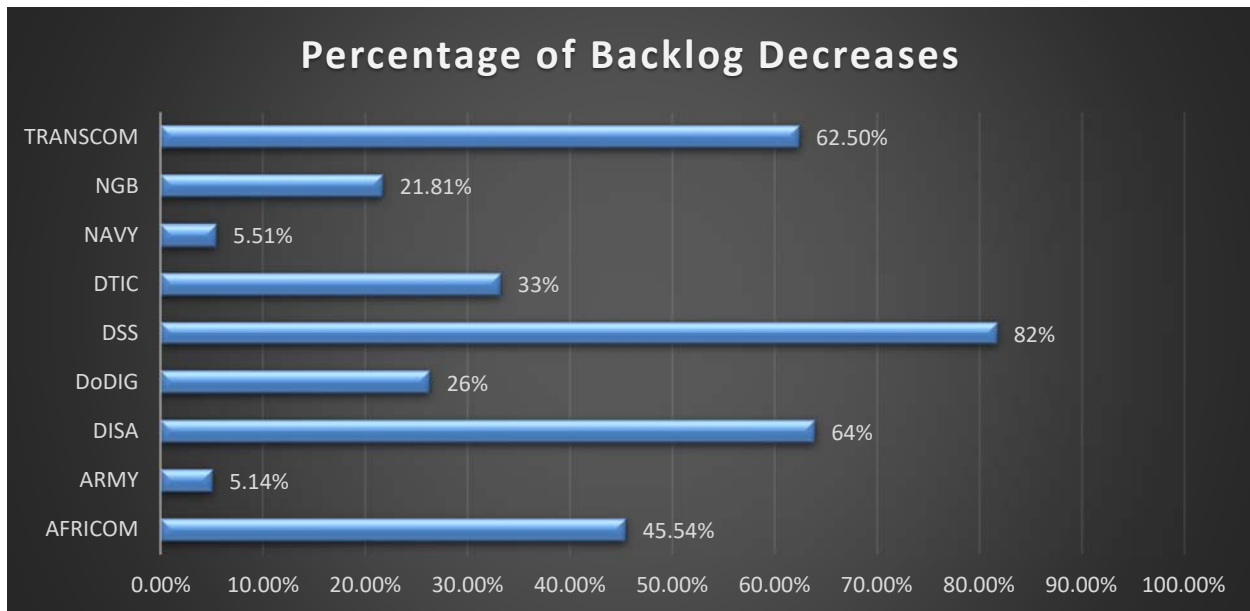
All DoD Components use a separate track for simple requests. For DoD as a whole, the average number of days to process simple requests was 26.5 days. However, 70% of Components reported simple request processing times averaged 8 days. Considering that 49% of all FY19 requests processed by DoD Components 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 increased 16% from FY18. Of the 1,005 appeals received, 893 (88%) are identified as backlogged appeals. Of the 33 DoD Components, 12% had no request backlog at the end of FY19, while 33% had less than 10 requests backlogged at the end of FY19.

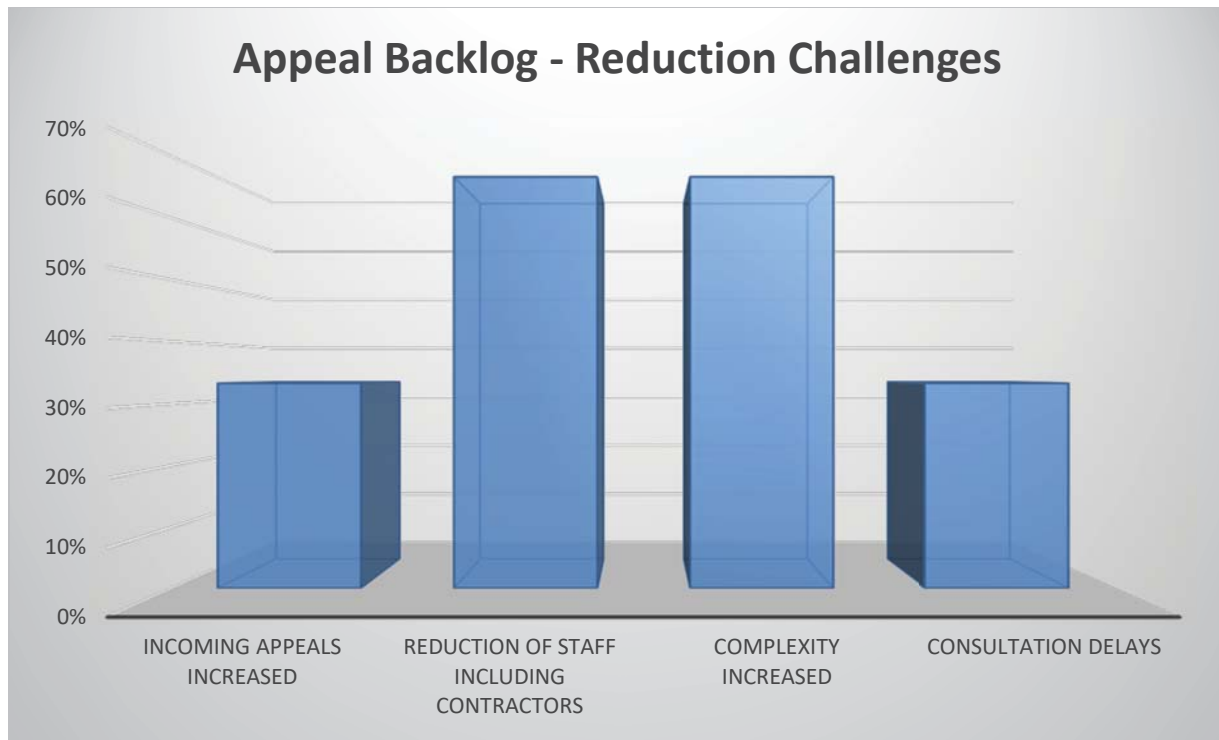


In FY19, only 24% of DoD Components decreased FOIA backlogs, a decline from FY18 when 36% of DoD Components reduced backlogs.



Twenty-one Components reported having no decrease for a variety of reasons, the primary being an increase in the complexity of the requests received, followed closely by an increase in overall FOIA related volume of work. Some of these complexities include the intake process; searches for responsive records; applying exemptions; and the continued issue of the lack of experienced personnel. Overall for DoD, the backlogged requests represent 23.3% of the overall requests received in FY19.

DoD FOIA professionals maintain a strong desire to assist the public in their efforts to find records of interest. Technology remains a driving force behind improving FOIA efficiencies; however, temporary setbacks with case processing, such as case management system failures and litigation efforts, diverted valuable resources such as manpower. In addition, the DoD Components identified the increasing volume of complex requests concerning classified records, as well as overly broad requests as impacting the ability to reduce backlogs. The majority of requesters who submit complicated requests that are not clearly defined and specific may lead to overly broad searches for responsive documents which then take longer to process. Finally, the backlog reduction effort has been impacted by FOIA litigation. DoD Components increased litigation efforts in that Components report executing additional searches and processing; creating Vaughn Indices, and declarations for other DoD Components or agencies in response to litigation driven deadlines. These burdens subject DoD Components to stringent court ordered timelines and not all DoD Components have dedicated FOIA litigation support teams to support court-driven activities.



Overall, DoD received 1,005 appeals during the fiscal year. Of the 33 DoD Components, 14 do not process their own appeals because the OSD/JS FOIA Appeals Section handles the actions for them. Of the remaining 19 Components, 74% report decreases or no appeal backlogs in comparison to 68% reported in FY18. Additionally, the overall DoD appeal backlog decreased 3%, which is a 1% decrease in the overall appeals backlog from the previous reporting period. The three DoD Components experiencing an increase in their appeals backlog (AIR FORCE, DLA, and NAVY) report similar overlapping issues as the request backlogs, namely the complexity and volume increases coupled with staff decreases, as depicted in the chart above.

5.3 Backlog Reduction Plans

At the end of FY18, DoD had seven Components with backlogs over 1,000 requests: AIR FORCE, ARMY, CENTCOM, DIA, NAVY, NSA, and OSD/JS. These seven Components initiated plans to reduce the respective backlogs and while ARMY and NAVY saw some reduction in their backlogs, AIR FORCE, CENTCOM, DIA, NSA and OSD/JS backlogs increased. Seven DoD Components reported that the execution of their backlog reduction plans were complicated by staffing losses, the inability to locate and hire qualified personnel, and difficulties with FOIA case management systems.

DIA developed the FY19 FOIA Backlog Improvement Plan and implemented it starting in February 2019. One of the initiatives captured in the improvement plan focused on professional, team, and organizational training regarding obligations under the FOIA. The most significant initiative of the plan involves transitioning to an action officer's ownership of the case, for the life cycle of the case. This initiative will move away from the assembly line based process and promote ownership and responsibility for individual action officers.

OSD/JS continues to involve senior leadership in their quest to have searches and reviews returned to the FOIA Office at a quicker rate, through bi-annual memoranda sent from OSD/JS senior leadership to other DoD Component senior leadership. To achieve greater progress with the reduction plan, OSD/JS hired two interns and capitalized on the talents of existing administrative personnel to assist Action Officers with scanning, review, and redaction.

NSA will begin realigning resources to increase personnel who are able to conduct second level review of FOIA cases. This enhancement to second level review should significantly improve the process. The Component also plans to leverage a redesign of their internet presence, to better enable requesters to locate previously released information. NSA also hopes to provide guidance on NSA.gov to help requesters make better submissions. Lastly, the Component will investigate more efficient collaboration with other government partners and new leadership, in order to facilitate the transfer of documents between agencies. The ultimate goal is to enable information sharing on a common platform.

The AIR FORCE FOIA Office will continue to conduct site assistance visits and provide process improvement recommendations to the FOIA RSCs. Recommendations include assistance with backlog reductions, encouraging rolling/interim releases, and review and release of complex classified consultations after 30 days instead of 90 days.

CENTCOM is working to expand its FOIA operations to include a number of FOIA specialist positions.

ARMY and NAVY senior leaders will continue to emphasize the importance of FOIA throughout the sub-Components, plan to more closely monitor sub-Components carrying backlogs, require reporting from sub-Components on root cause resolution, and increase training opportunities.

5.4 Status of Ten Oldest Requests, Appeals, and Consultations

In FY19, DoD closed five of the ten oldest requests. Out of the five cases closed, none were closed due to the requester withdrawing the request. In fact, 32 of the DoD Components closed at least one of their ten oldest and 40% closed *all* of their ten oldest.

- AFRICOM, ASBCA, DCAA, DeCA, DFAS, DISA, DLA, DoDEA, DSS, DTIC, INDO-PACOM, and OSD/JS closed all of the ten oldest.
- DCMA and DTRA closed nine of the ten oldest.
- CENTCOM, DoD IG, NAVY, NGB, and NRO closed eight of the ten oldest.
- ARMY, NORTHCOM, and TRANSCOM closed seven of the ten oldest.
- DIA closed five of the ten oldest.
- CYBERCOM and NSA closed three of the ten oldest.
- AIR FORCE and SOUTHCOM closed two of the ten oldest.
- JPRA closed one of the ten oldest.

- EUCOM was unable to close any of the oldest.

In FY19, DoD closed all ten of the ten oldest appeals. Of the 19 DoD Components that process appeals, 15 reported backlogged appeals at the end of FY19.

- OSD/JS closed all of the ten oldest.
- DTRA closed two of the two oldest.
- DISA closed the only request.
- NAVY and NSA closed nine of the ten oldest.
- ARMY closed eight of the ten oldest.
- DIA and DoD IG closed seven of the ten oldest.
- AIR FORCE and DHA closed two of the ten oldest.
- DCMA, DLA, NGA, and NRO were unable to close any of the oldest requests.

In FY19, DoD was unable to close any of the Department's ten oldest consultations. Of the 33 DoD Components, 11 reported no outstanding consultations at the end of FY19.

- CENTCOM, OSD/JS, and STRATCOM closed all of the ten oldest.
- NRO closed four of the four oldest.
- DHA closed three of the three oldest.
- DoD IG and EUCOM closed the oldest request.
- CYBERCOM and DSS closed two of the two oldest.
- ARMY and SOUTHCOM closed seven of the ten oldest.
- DIA and NGA closed five of the ten oldest.
- DTRA closed five of the seven oldest.
- SOCOM closed three of the ten oldest.
- NSA closed two of the ten oldest.
- AIR FORCE and NAVY closed one of the ten oldest.
- NORTHCOM closed one of the two oldest.
- AFRICOM and DISA were unable to close any of the oldest

During FY 19, DoD focused on reducing the overall age of the backlog by concentrating on closing the ten oldest requests, appeals, and consultations. Some offices instituted bi-weekly meetings with appellate authorities to discuss processing efficiencies and applied resources to close more than the 10 oldest, if possible. For example, the OSD/JS FOIA Appeals Section, which adjudicates appeals for 19 of the 33 DoD Components, reduced the age of the backlog by closing the 20 oldest appeals for the second continuous FY. Components also actively followed up with status inquiries to sub-Components, for estimated dates of completion.

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 personnel turnover and limited staffing, voluminous cases, records classification status, and complex requests. Furthermore, ten DoD Components reported that they were unable to close some of their ten oldest requests because they were awaiting responses from consultations.

CYBERCOM:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
01/13/2017	07/23/2017	06/21/2019
11/17/2017	02/27/2019	06/21/2019
02/03/2018	05/23/2019	06/21/2019
08/03/2018	04/04/2019	06/21/2019

DIA:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
05/02/2012	08/14/2019	10/01/2019
04/22/2014	02/01/2018	11/01/2018
07/12/2005	06/01/2018	11/29/2018
09/12/2013	05/08/2018	11/21/2018

DoD IG:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
09/30/2013	12/03/2013	09/16/2019
10/31/2013	12/03/2013	09/16/2019
07/06/2016	07/10/2019	09/25/2019
07/21/2016	07/07/2017	09/30/2019

DTRA:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
02/02/2015	09/24/2019	12/02/2019
11/04/2015	03/04/2019	12/02/2019
03/01/2019	05/01/2019	12/02/2019

NAVY:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
09/10/2019	09/25/2019	10/21/2019

NORTHCOM:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
09/17/2018	09/17/2018	09/13/19

NRO:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
09/25/2017	04/05/2019	09/01/2019

NSA:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
02/2007	02/2019	01/02/2020
09/2007	01/2018	09/01/2019
02/2009	11/2018	01/02/2020

SOUTHCOM:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
06/02/2010	10/01/2015	11/01/2019
08/20/2010	06/09/2016	11/01/2019
10/01/2010	09/08/2016	11/01/2019
09/12/2011	06/14/2016	11/01/2019
09/16/2011	05/24/2017	11/01/2019

TRANSCOM:

<u>Date Received</u>	<u>Date consult sent to agency</u>	<u>Date last contacted agency</u>
08/23/2017	03/30/2018	08/14/2019

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 them. The methods identified include restructuring the responsibilities of FOIA personnel, closely monitoring metrics, increasing the frequency of status checks as well as continued focus on prioritizing the oldest requests for processing and closure. Personnel are also being augmented

where possible. The remaining Components with ten oldest pending requests, appeals and consultations described similar strategies for regularly contacting agencies holding these older consultations.

6.0 Success Story

There were numerous activities undertaken by DoD and the DoD Components since March of 2019 to increase transparency. DoD remains steadfast in its administration of the FOIA, commitment to sustainable training, and outstanding customer service. Achieving these important goals across the 33 DoD Components illustrates purposeful action at all levels and the CMO continues leading the way through online training modules and cost effective 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.

- NGB began utilizing temporary support and was able to reduce the overall backlog by 61%, despite a 27% increase in the number of new FOIA requests. During FY19, NGB was able to decrease the number of requests remaining open from FY18 by 58%, the largest decrease in the history of the FOIA office. Those cases consisted of 63,305 pages of records located and reviewed for responsiveness.
- OSD/JS Appeals Section reduced its backlog by 23% and closed the ten oldest FOIA requests. Personnel also provided FOIA training at DoD FOIA Workshops, ASAP, and throughout the FOIA community.
- OSD/JS FOIA closed all of the ten oldest initial FOIA requests and ten oldest consultations. Although the OSD/JS FOIA Office did not achieve backlog reduction, the office received 33% more initial requests this year and closed 30% more initial requests this year than last year. The office also received 3% more consultations and closed 24% more consultations.
- DoD IG achieved greater than a 25% backlog reduction in requests. Most of the Component specialists attended multiple types of FOIA training, allowing for an educated workforce. DoD IG also maintained a high level of employee retention in the office, which increased the average level of experience. This created an efficiency in greater FOIA knowledge which led to greater processing speeds.
- AFRICOM successfully reduced the overall backlog by 46%. This success is due to open lines of communication amongst requesters, the FOIA office, and other Components.
- DIA reduced the appeals backlog by 20%.
- The 33 DoD Components continue showcasing a commitment to the principles of openness as over 54,500 FOIA requests were processed during FY19. Given the often complex nature of requests submitted to DoD and the extraordinary mission of protecting American assets at home and abroad, it is truly remarkable that over 85% of all received requests were processed in less than 100 days.