Efficiencies and Resources Subcommittee
Final Recommendations: January 16, 2018

Management of Process

Importance of working with requesters early in the process.

OBSERVATIONS

- Several of the agencies interviewed noted that working with requesters early in the process and ensuring that requests are well-defined before they are logged in saves resources on processing.
- In addition, the OGIS assessment of the Consumer Financial Protection Bureau (CFPB) noted that the agency encourages FOIA processors to work with requesters to narrow requests as soon as they are received.

RECOMMENDATIONS	BENEFITS
Advise FOIA Offices through best practices to work with requesters early on to clarify requests when necessary.	➢ Provides the opportunity to greatly narrow a requester's request. ➢ Saves agency resources on processing and searching while allowing for quicker response times. ➢ Proactively increases transparency with the requester, limits distrust of the government, and lessens the probability of an appeal of a search for responsive records.

Encourage teamwork.

OBSERVATIONS

- One agency explained that they prevent work from piling up by ensuring that FOIA employees have a back-up; for example, the agency gave all FOIA employees, within their enterprise, access to its centralized FOIA inbox. The agency also makes each employee's list of pending cases visible to colleagues and encourages personnel to help one another with workloads.
- One agency described how they break workflow into teams that handle certain types of requests and explained that analysts choose their team based on strengths and who they work well with.

RECOMMENDATIONS	BENEFITS
Promote collaboration between employees to ensure coverage of cases during periods of leave or peak times.	➢ Prevents requests assigned to an employee on leave from becoming overdue. ➢ Ensures that employees who have a growing caseload are assisted if necessary. ➢ Engenders knowledge sharing in regard to FOIA processing techniques and tactics.
Form teams with common strengths to handle particular types of requests.	➢ Creates teams that can efficiently turn over requests due to experience and familiarity with requests of a certain type. ➢ Results in collaboration between FOIA experts, especially during the processing of challenging requests.

Accountability.

OBSERVATIONS

- One agency uses its FOIA processing and tracking system to keep track of overdue requests for records and those overdue requests are escalated as necessary.
- In addition, OGIS assessments indicate that Immigration and Customs Enforcement (ICE) includes specific case closure requirements in their performance evaluations, and that the Transportation Security Administration (TSA) began reducing its backlog after setting case closure standards for employees.

RECOMMENDATIONS	BENEFITS
Introduce case closure, pages reviewed, and quality requirements as part of employee performance evaluation.	➢ Encourages employees to take ownership over their performance records in completing cases. ➢ Leads to reductions in backlog. ➢ Creates accountability for work product of FOIA employees.
Track status of requests for records; ensure visibility of overdue requests; and establish protocols to handle overdue requests.	➢ Promotes greater understanding of requests details and reasons for cases becoming overdue. ➢ Exposes FOIA processing bottlenecks and allows for the identification of areas in the FOIA process that are contributing to backlog of requests.

Expanded Use of Tracks.

OBSERVATIONS

- One agency noted that a successful strategy is to balance use of resources between responding to simple requests within 20 days and working on complex cases.
- An agency cited the creation of a separate track for voluminous requests as useful for working with requesters to narrow requests. The agency said that processors complete all simple requests assigned, before moving to complex, then voluminous as time allows.

RECOMMENDATIONS	BENEFITS
Prioritize requests using separate tracks (simple, complex, and expedited) and assign resources accordingly.	➢ Ensures quick turnaround of simple requests, leaving additional time to focus on complex and voluminous requests.
Encourage simultaneous processing of simple and complex requests so that processing of either category is not unduly delayed.	➢ Ensures that both simple and complex requests are completed within a reasonable amount of time and does not unduly delay processing of either category of requests.

Centralization, to the extent possible.

OBSERVATIONS

- Several agencies noted that there are efficiencies of scale in centralization.
- One agency expressed concern about centralization of processing due to diversity and sensitivity of information.
- Particularly at larger agencies with multiple components, subject matter experts exist in the components and can provide better collaboration with the FOIA team

RECOMMENDATIONS	BENEFITS
Where appropriate, centralize processing.	➢ Decreases time spent coordinating between multiple teams. ➢ Increases efficiencies of scale in training. ➢ Capitalizes upon common skills that can be applied across various types of requests. ➢ Increases collaboration across agencies, which results in expanded shared knowledge and processing techniques. ➢ Enables overburdened offices to borrow resources to help with surges or backlogs.

Bringing in Talent

Building a Career Path.

OBSERVATIONS

- One agency expressed concern that they will not be able to fill positions with employees with appropriate experience.
- One agency created a rotational program to allow them to bring on lower-level employees and train them on FOIA because they were not able to recruit GS-12s with appropriate experience.

RECOMMENDATIONS	BENEFITS
Consider creating rotational programs to expose young employees to FOIA.	➢ Helps agency identify talent and creates FOIA professionals that do not view FOIA processing as a stepping stone or temporary duty. ➢ Expands the pool of experienced and qualified individual for FOIA work.
Create Career Model for Information Management.	➢ Creates new FOIA/Information Management professionals who understand the lifecycle of information and support records management, privacy, and information governance. ➢ Establishes professionals who can see a classic federal career model around FOIA work, instead of a temporary duty. ➢ Increases drive and incentive to be a standout performer in FOIA processing and FOIA work.

Interns, detailees and contractors.

OBSERVATIONS

- Some agencies reported that they do not use interns because it takes too long to sufficiently train them to be of use.
- In addition, OGIS's assessment of Customs and Border Protection (CBP) shows that the agency successfully used interns to process traveler requests – these requests make up the bulk of their work and involve fairly standard redactions.
- OGIS's assessment of ICE reports that the agency spent heavily on contractors to eliminate their backlog. ICE built leadership support for this expenditure by pointing out the agency's exposure to litigation caused by delay.
- One agency cited contract support as useful when needed to increase responses rapidly (surge) and in instances where there are routine reviews.

RECOMMENDATIONS	BENEFITS
Assign interns or temporary staff to complete straightforward, time-consuming tasks such as data entry.	➢ Limited training is required for these kinds of tasks. ➢ Assigning temporary resources to these tasks will free up time for more experienced resources to focus on complex tasks.
Contract surge support staff to increase responses rapidly and aid in routine review.	➢ Allows for short term investment by agency to respond to FOIA surges, rather than higher long term staff members. ➢ Avoids lengthy hiring process and quickly staffs resources who require little training. ➢ Eliminates the pressure placed on everyday FOIA employees by quickly reacting to surges and decreasing backlog requests.

Using Technology to Improve the Process

Records Management/ Search.

OBSERVATIONS

- Multiple agencies interviewed cited poor records management as a barrier to efficient FOIA processes.
- One agency that credited part of their success to the fact that FOIA and Records Management both report to the same supervisor.
- Another agency reported that their process is efficient because FOIA is given read-only access to major systems to conduct searches for about 75 percent of requests; the same agency also reported that the quality of searches is improved by requiring a supervisor to sign off on search forms.
- One agency reported that inefficiency is introduced into the FOIA process because many Information Technology (IT) systems are not created with export in mind.

RECOMMENDATIONS	BENEFITS
Create add-on to IT systems for exporting records.	➢ Ensures records will be exported as useable outputs. ➢ Establishes an enhanced system of information management that will better streamline the FOIA search process. ➢ Lowers FOIA processing cost by lowering FOIA search times.
Designate a point of contact to approve search requests within records management systems.	➢ Improves quality of searches. ➢ Decreases unnecessary time and labor searching and reviewing.
Make the end goal of responding to FOIA requests a major component when developing the records management system and workflows.	➢ Increased communication and coordination between Records Management and FOIA offices streamlines the process of responding to FOIA requests, especially under tight deadlines. ➢ Lays the foundation for a better system of transparency and stronger capabilities in proactive release.

Tracking systems.

OBSERVATIONS

- Several agencies discussed the utility of a department-wide wide FOIA tracking platform, noting that it would allow components to manage the referral and consultation process more easily, streamlines annual reporting, and enables FOIA leadership to audit performance.
- One agency noted that their system has certain limitations, but that switching to a new system would take time and resources and there is no guarantee that it would improve the agency's FOIA performance.
- Government Off The Shelf (GOTS) Product:
    - One component of a cabinet-level agency reported that they use the GOTS product rather than the tracking system used by other components because they found it enabled them to better manage the volume of requests that they receive.
    - Another agency reported that they have had few reliability issues with the GOTS product and that they appreciate that they have access to a helpdesk to deal with any glitches. The agency also said that like the tool's reporting functions and the ability to add metadata to Privacy Act requests so that they are filtered out from FOIA reports.
- In-house solutions:
    - One agency reported that they use a tracking system created in-house and that the developer continues to upgrade the system as needed.
    - Another component of a cabinet-level agency reported that they are having a system developed and designed in-house after they were not able to find a Commercial-Off-The-Shelf (COTS) product that met their needs.

RECOMMENDATIONS	BENEFITS
Adopt a centralized, department-wide FOIA tracking platform or consolidate to fewer tracking systems. Where possible, leverage an established COTS/GOTS product across the organization.	➢ Standardizes FOIA process from a technical approach. ➢ Simplifies the FOIA reporting requirements with a centralized FOIA database. ➢ Establishes an auditable system that will enable better appeal process. ➢ Increases managerial oversight and accountability. ➢ Continuous maintenance and access to a support addresses issues encountered in use. ➢ Increases transparency through the deployment of a FOIA portal.
If a COTS product does not meet the agency's needs, contract a developer to create an in-house system and have developer on standby for continuous updates.	➢ Creates a system that adapts to an agency's workflow, rather than an agency altering procedures to match a technologies workflow. ➢ Leverages customized technologies to expand FOIA processing capabilities.