



UNITED STATES DEPARTMENT *of* JUSTICE

*Updates from the Office of  
Information Policy*

Chief FOIA Officers Council Meeting  
*October 14, 2020*



# OIP Updates

- FOIA Reporting Updates
- FOIA.gov Enhancements, Initiatives, and Interoperability
- OIP Resources



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# ***FOIA Reporting***



# **2020 Chief FOIA Officer Reports Summary and Assessment**

- Last month, OIP issued its annual [Summary and Assessment of Agency Chief FOIA Officer \(CFO\) Reports](#).
- The Summary and Assessment reflect a number of areas where agencies have achieved milestones related to the key areas of FOIA administration, while also highlighting areas for improvement.
- Agencies and the public are encouraged to review this year's Summary and Assessment, along with agencies' individual [Chief FOIA Officer Reports](#).



# **Guidance for Improvement Based on 2020 CFO Report Review and Assessment**

Accompanying the Summary and Assessment is [OIP's Guidance for Further Improvement](#):

- Emphasizes the importance of timeliness when responding to requests, reducing backlogs, and adjudicating requests for expedited processing within 10 calendar days.
- Encourages agencies to consider steps highlighted in [OIP's Guidance for Agency Administration in Light of COVID-19 Impacts](#) to continue to maximize the efficiency and effectiveness of their programs.



## 2021 Chief FOIA Officer Reports

- [2021 CFO Report Guidelines](#) are now available.
- Deadlines
  - **January 11, 2021** – Agencies that received more than 50 requests in FY19 must submit their 2021 Chief FOIA Officer Reports to OIP for review.
  - **February 12, 2021** – Agencies that received 50 requests or less in FY19 that choose to report should provide their 2021 Chief FOIA Officer Reports to OIP for review.
- March 15, 2021 – Agency CFO Reports must be posted in final form on agency websites.



# **2021 Chief FOIA Officer Report Guidelines**

- The Guidelines focus on five key areas of FOIA Administration:
  - Applying the Presumption of Openness
  - Ensuring there are Effective Systems for Responding to Requests
  - Increasing Proactive Disclosures
  - Increasing the Utilization of Technology
  - Improving Timeliness and Reducing any Backlogs



# **2021 Chief FOIA Officer Report Guidelines**

- The 2021 Guidelines include new questions on:
  - Agency FOIA Training
  - Review of Standard Operating Procedures
  - Frequent First-Party Requests and Alternative Access
  - Updates to Agency FOIA Regulations
  - Impact of COVID-19





# Fiscal Year 2020 Annual FOIA Report

- Annual FOIA Report Deadlines
  - **November 16, 2020** – Agencies required to submit their Fiscal Year 2020 Annual FOIA Report to OIP for review and clearance through FOIA.gov.
  - **March 1, 2021** – Agencies required to post the final human readable and NIEM-XML versions of their Fiscal Year 2020 Annual FOIA Report on their websites.
- The [Department of Justice Annual FOIA Report Handbook](#), recently updated, contains instructions for compiling and submitting your report on FOIA.gov.



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**FOIA.gov**



# Enhancements Since Launch

- Added new logic that requires requesters to provide at least one form of contact information.
- Improved the form in which agencies received structured requests via email.
- Added a dynamic export for all government FOIA contact information.
- Implementing full API interoperability.
- New A-Z Index for selecting agencies.
- New Annual FOIA Report Tool for agencies to submit their reports to DOJ via FOIA.gov.



# FOIA.gov Upcoming Enhancements

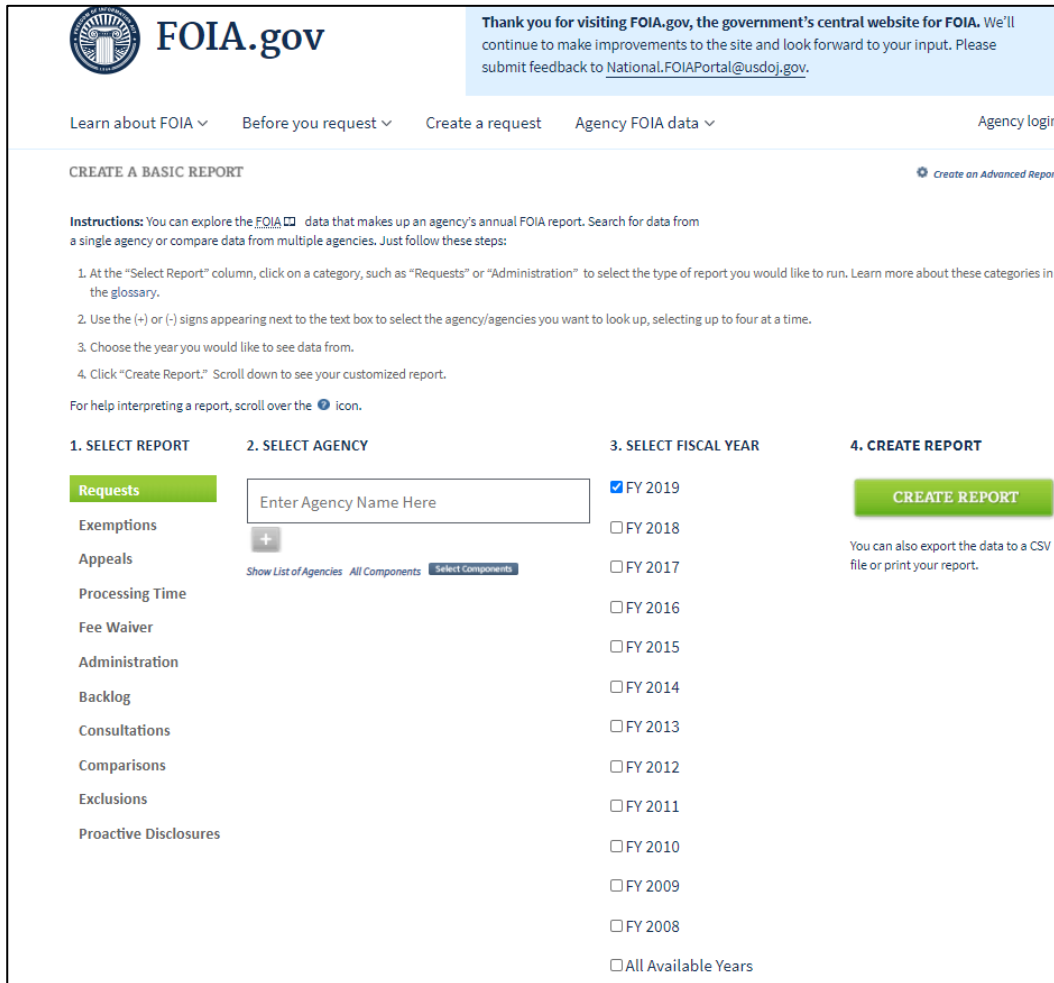
*Revamped Annual Data Page Coming Soon!*

- Streamlines the user experience:
  - Combines the “basic” and “advanced” reports currently on FOIA.gov
  - Easier to search for and compare agency and component data
  - Results can be viewed in FOIA.gov or downloaded directly to a CSV. Format of the data output
  - Mobile-friendly



# Current Annual Data page

# New Annual Data page, coming soon!



**FOIA.gov**

Thank you for visiting FOIA.gov, the government's central website for FOIA. We'll continue to make improvements to the site and look forward to your input. Please submit feedback to [National.FOIAPortal@usdoj.gov](mailto:National.FOIAPortal@usdoj.gov).

Learn about FOIA | Before you request | Create a request | Agency FOIA data | Agency login

### CREATE A BASIC REPORT

[Create an Advanced Report](#)

**Instructions:** You can explore the FOIA data that makes up an agency's annual FOIA report. Search for data from a single agency or compare data from multiple agencies. Just follow these steps:

- At the "Select Report" column, click on a category, such as "Requests" or "Administration" to select the type of report you would like to run. Learn more about these categories in the glossary.
- Use the (+) or (-) signs appearing next to the text box to select the agency/agencies you want to look up, selecting up to four at a time.
- Choose the year you would like to see data from.
- Click "Create Report." Scroll down to see your customized report.

For help interpreting a report, scroll over the icon.

**1. SELECT REPORT**

- Requests**
- Exemptions
- Appeals
- Processing Time
- Fee Waiver
- Administration
- Backlog
- Consultations
- Comparisons
- Exclusions
- Proactive Disclosures

**2. SELECT AGENCY**

Enter Agency Name Here

+ Show List of Agencies All Components Select Components

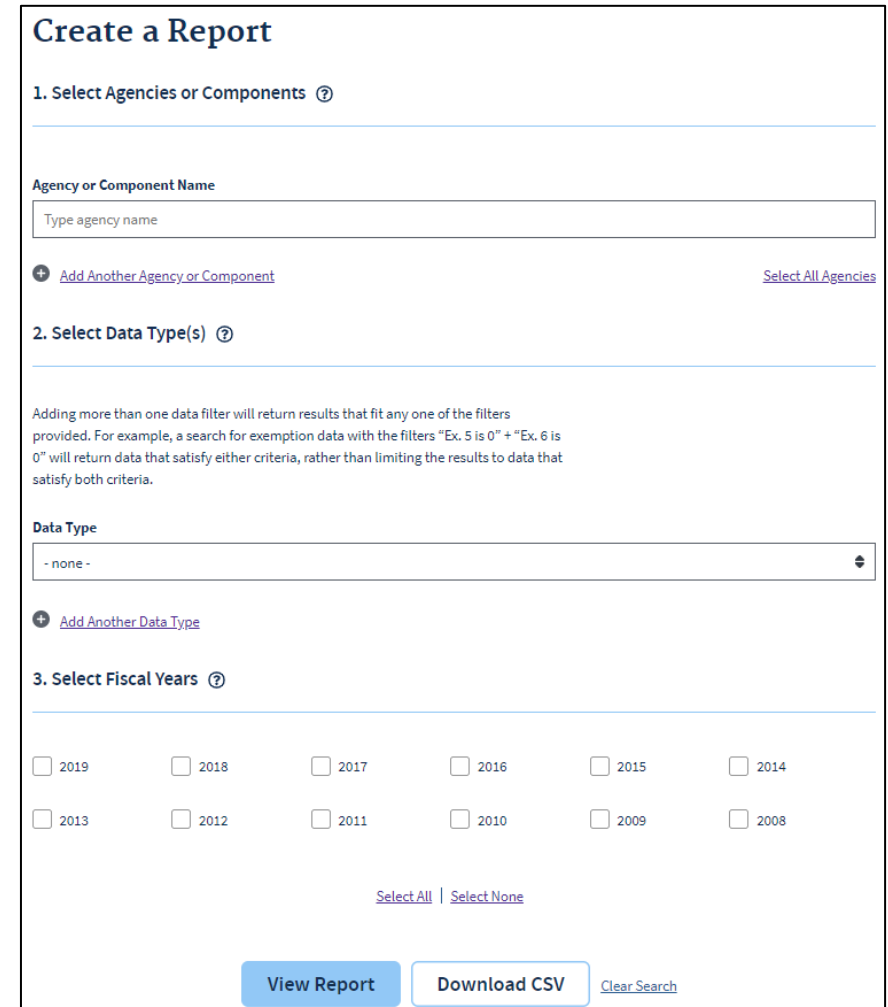
**3. SELECT FISCAL YEAR**

- FY 2019
- FY 2018
- FY 2017
- FY 2016
- FY 2015
- FY 2014
- FY 2013
- FY 2012
- FY 2011
- FY 2010
- FY 2009
- FY 2008
- All Available Years

**4. CREATE REPORT**

**CREATE REPORT**

You can also export the data to a CSV file or print your report.



### Create a Report

**1. Select Agencies or Components**

Agency or Component Name

Type agency name

+ Add Another Agency or Component [Select All Agencies](#)

**2. Select Data Type(s)**

Adding more than one data filter will return results that fit any one of the filters provided. For example, a search for exemption data with the filters "Ex. 5 is 0" + "Ex. 6 is 0" will return data that satisfy either criteria, rather than limiting the results to data that satisfy both criteria.

Data Type

- none -

+ Add Another Data Type

**3. Select Fiscal Years**

2019  2018  2017  2016  2015  2014

2013  2012  2011  2010  2009  2008

[Select All](#) | [Select None](#)

[View Report](#) [Download CSV](#) [Clear Search](#)



# FOIA.gov Upcoming Enhancements

## *ForeSee*

- Implementation is in process
- Permits us to gather information about user experiences.
- Provides greater insight to how the public and agencies are using FOIA.gov, which will in turn inform future enhancements.



# FOIA.gov Upcoming Enhancements

## *Searchability of FOIA Libraries from FOIA.gov*

- Initiative to expand searchability of records posted in agency FOIA Libraries
  - Supported by the FOIA.gov Line of Business contributors
  - DOJ recently awarded 10x Phase 1 funding to explore ideas for how this may be implemented
- We welcome suggestions from CFOs and the public as we continue to develop FOIA.gov



# Interoperability with FOIA.gov

- [Joint DOJ/OMB Guidance for Achieving Interoperability with the National FOIA Portal](#) (February 12, 2019)
- Agencies with automated case management systems are required to implement an API by the end of FY21, unless granted an exception by DOJ/OMB.
- Agencies with non-automated solutions have already achieved interoperability via structured email.
- If your agency (or component) is ready to implement the API, reach out to OIP for instructions.





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# OIP Resources for Agencies



# DOJ Guide to the FOIA

- Comprehensive legal treatise on the FOIA available on OIP's website.
- Includes detailed discussions of the FOIA's procedural requirements, nine exemptions, and litigation considerations.
- Contains detailed analysis of the key judicial opinions issued on the FOIA.



# DOJ Guide to the FOIA

- OIP completed a full update in 2019, comprehensively updated every section to account for recent case law and OIP Guidance.
- OIP has continued to update individual chapters on a rolling basis.
- Agencies are encouraged to use the Guide in conjunction with other resources provided by OIP.



# FOIA Court Decision Summaries

**VIEW COURT DECISIONS CHRONOLOGICALLY**

August 28, 2020   
Ctr. for Pub. Integrity v. DOD, No. 19-3265, 2020 WL 5095520 (D.D.C. Aug. 28, 2020) (Kollar-Kotelly, J.)

August 28, 2020  
Nova Oculus Partners, LLC v. SEC, No. 19-666, 2020 WL 5095485 (D.D.C. Aug. 28, 2020) (Friedrich, J.)

August 28, 2020  
NPR, Inc. v. FBI, No. 18-03066, 2020 WL 5095526 (D.D.C. Aug. 28, 2020) (Nichols, J.)

**SEARCH COURT DECISIONS**

**Topic**  
- Any -

**Search Text**

**Post Date**  
-Month  
-Year

**SEARCH** **RESET**

- OIP publishes summaries of all court decisions rendered in federal FOIA cases.
- These summaries are available on [OIP's website](#), and searchable by text and topic.



# FOIA Self-Assessment Toolkit

## FOIA SELF-ASSESSMENT TOOLKIT

Office of Information Policy, Department of Justice



### Table of Contents

- Introduction and Methodology**.....
- Self-Assessment Process.....
- Purpose and Planning.....
- Documenting Evidence.....
- Evaluating Performance.....
- Sample Milestone.....
- Implementing Improvements.....
- Module 1: Initial Mail Intake and Mail Review**.....
- A. Review of Current Mail Intake and Initial Mail Review Process.....
- Module 2: Assigning Cases, Managing Tracks, and Identifying Frequently Requested Records**.....
- A. Review of Current FOIA Workflow.....
- Module 3: Acknowledgement Letters**.....
- A. Review of Acknowledgement Letter Process.....
- Module 4: Adjudicating Requests for Expedited Processing**.....
- A. Review of Expedited Processing Procedures.....
- Module 5: Fee Correspondence**.....
- A. Fee Waiver/Fee Category Responses.....
- B. Fee Estimates.....
- Module 6: Searching for Responsive Records**.....
- A. Understanding Search Requirements and Fundamentals.....

To assist agencies in conducting self-assessments, OIP developed a “Self-Assessment Toolkit” covering the FOIA process ranging from Request Intake to FOIA Websites.



# Toolkit Modules

- Initial Mail Intake and Mail Review
- Assigning Cases, Managing Tracks, and Identifying Frequently Requested Records
- Acknowledgement Letters
- Adjudicating Requests for Expedited Processing
- Fee Correspondence
- Searching for Responsive Records
- Processing Procedures
- Consultations and Referrals
- Response Language
- Training and Employee Development
- Requester Services
- FOIA Reporting
- FOIA Website Development and Maintenance

Update to the Self-Assessment Toolkit, including new modules, coming soon!



# Best Practices Workshop Series

- OIP hosts workshops focused on various FOIA topics with a with a panel of representatives sharing experiences, lessons, and strategies for success in these areas.
- Past topics have included: Backlog Reduction, Technology, Customer Service, FOIA Training, Proactive Disclosures.
- Best practices discussed at prior workshops are posted on the [Best Practices Workshop Series](#) page on OIP's website.
- We welcome agency suggestions for future topics! Please email [DOJ.OIP.FOIA@usdoj.gov](mailto:DOJ.OIP.FOIA@usdoj.gov) with subject line "Best Practices Workshop Suggestion"



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**Questions?**