



Department of Homeland Security

Privacy Office

2014 Chief Freedom of Information Act Officer Report
to the Attorney General of the United States

March 2014



Homeland
Security

Message from the Chief Freedom of Information Act Officer

I am pleased to present the Department of Homeland Security's (DHS or Department) *2014 Chief Freedom of Information Act (FOIA)¹ Officer Report to the Attorney General of the United States*, which summarizes the Department's accomplishments in achieving its strategic goals related to FOIA, transparency, and openness from March 2013 through March 2014. This is the first report produced during my tenure as the Department's Chief Privacy Officer and Chief FOIA Officer, and the fifth² to reflect President Obama's call for openness and transparency in Federal Government operations. This report highlights the ongoing enhancements made to the Department's FOIA program including regularly apprising senior management of the status of the Department's backlog, leveraging resources, streamlining operating procedures, and negotiating with requesters to simplify requests.



In December 2011, the DHS Privacy Office (Privacy Office or Office) revised its Fiscal Year (FY) 2012-2015 Strategic Plan³ to ensure alignment with the Department's core missions, as delineated in the Quadrennial Homeland Security Review (QHSR). This report addresses two of the Privacy Office's strategic goals specific to FOIA: (1) to provide outreach, education, training, and reports to promote privacy and openness in homeland security; and (2) to ensure that DHS complies with federal privacy and disclosure laws and policies. The DHS Privacy Office,⁴ in partnership with DHS Component FOIA Office staff, successfully implemented these goals.

FOIA Requests

As has been the case for several years, DHS continues to receive the largest number of FOIA requests of any federal department or agency in each fiscal year (FY), receiving almost 30 percent of all requests submitted to the Federal Government in FY 2012. In FY 2013, the Department received an unprecedented number of FOIA requests — 231,534 in total — an increase of 18 percent from FY 2012's total of 190,589. DHS processed 204,332 requests, a decrease of one percent from 205,895 in FY 2012.

In last year's report, DHS highlighted a 33 percent decrease in the backlog. In FY 2013 however, the backlog increased from 28,553 to 51,761 due in part to the record-setting number of requests received. The Department continued to take a multi-pronged approach to reduce its

¹ 5 U.S.C. § 552.

² <http://www.dhs.gov/foia-library-frequently-requested-records#2>.

³ <http://www.dhs.gov/xlibrary/assets/privacy/priv-strategic-plan-2012-2015.pdf>

⁴ FOIA staff at DHS Headquarters who report to the Chief FOIA Officer are referred to as "DHS Privacy Office" staff to distinguish them from FOIA staff working in the seven DHS Components. Those offices are referred to as "Component FOIA Offices or staff."

backlog, including the deployment of student interns, contractors, and DHS Privacy Office staff to the Components with the largest backlogs. The DHS Privacy Office staff also met with Component FOIA Officers and FOIA officials from other federal agencies to learn how technology, training, and staff development can help reduce the backlog, particularly through day-to-day case management. The senior leadership of the Office closely monitors the Department's caseload.

In FY 2013, DHS set a goal to close the Department's 10 oldest requests and appeals pending, as reported in the previous fiscal year. DHS met its goal and closed the 10 oldest pending requests through more robust oversight of departmental FOIA processing, the hard work of DHS Component FOIA staff, consistent monitoring of FOIA-related performance measures, and a sustained effort toward closing the oldest requests in the backlog throughout the Department's 19 FOIA Components. DHS was able to close the 10 oldest pending appeals, in part, due to the Chief FOIA Officer and the General Counsel formally adopting a policy to reassign certain complex appeals to United States Coast Guard (USCG) Administrative Law Judges (ALJ) for processing⁵ under a reimbursable basis. A centralized appeal liaison in the DHS Privacy Office facilitates coordination, tracking, and reporting, and serves as a resource for participating Component offices and public inquiries. Through the collaborative efforts of Component FOIA Officers' timely provision of FOIA administrative files for review, and leveraging qualified staff available for appeal adjudication, the total number of pending appeals for participating Components steadily decreased from 201 pending appeals at the end of FY 2010, to 24 appeals at the end of FY 2013.⁶

FOIA Operations

As mentioned in last year's report, the DHS Privacy Office and several of the Component FOIA Offices deployed a new electronic monitoring, tracking, and redacting commercial off-the-shelf (COTS) web application solution to streamline the processing of requests and appeals under FOIA and the Privacy Act of 1974.⁷ As a result of implementing the new application, DHS has seen numerous benefits such as: (1) increased productivity; (2) enhanced accuracy in reporting statistics, tracking cases, and better data integrity; and (3) improved interoperability and standardization of the FOIA process across the Department. During this reporting period, the DHS Privacy Office increased the COTS functionality to allow for document sharing, consultations, and referrals within the system. Also, new this year is the Advanced Document Review (ADR), a de-duplication capability that allows FOIA staff to upload e-mail correspondence files and de-duplicate the correspondence based on a comparison process performed by the application. Additionally, seven more Components began using the system, and are now realizing its benefits.

⁵ Chief FOIA Officer and General Counsel Memorandum, "Reassignment of Certain Freedom of Information Act (FOIA) Appeals to United States Coast Guard Administrative Law Judges," July 8, 2011, available at <http://www.dhs.gov/publication/reassignment-certain-freedom-information-act-appeals-united-states-coast-guard>.

⁶ In 2012, the Federal Emergency Management Agency (FEMA) opted not to renew the Memorandum of Understanding (MOU) with the ALJs.

⁷ 5 U.S.C. § 552a.

FOIA Training

The DHS Privacy Office and the Component FOIA Offices promote staff training to: (1) standardize FOIA best practices across the Department; and (2) promote transparency and openness among all DHS staff. We have seasoned FOIA trainers who share their expertise internally and at industry conferences and we invite information access experts from other agencies to train our staff. FOIA staff also participate in courses offered by other agencies.

The report that follows describes these and other initiatives in greater detail.

Inquiries about this report may be directed to the DHS Privacy Office at 202-343-1717 or foia@dhs.gov. This report and other information about the Office are available on our website: www.dhs.gov/FOIA.

Sincerely,



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U.S. Department of Homeland Security

Table of Contents

Message from the Chief Freedom of Information Act Officer	2
I. Overview of the DHS FOIA Program	6
A. Operational Overview of the DHS FOIA Program	6
B. About the FOIA Operations of the DHS Privacy Office	6
II. Promoting Openness and Efficiency: Addressing Key Areas of Interest to the Department of Justice.....	9
A. Section I: Steps Taken to Apply the Presumption of Openness	9
B. Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests	16
C. Steps Taken to Increase Proactive Disclosures.....	21
D. Steps Taken to Greater Utilize Technology.....	25
E. Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs.....	29
Table 1. Response Time for All Processed Perfected Requests in FY13 as reported in FY13 Annual Report	30
Table 2. Comparison of Backlogged Requests from Previous and Current Annual Report.....	31
Table 3. Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report	32
Table 4. Ten Oldest Pending Requests as Reported in the 2012 Annual FOIA Report	33
Table 5. Ten Oldest Pending Appeals as Reported in the 2012 Annual FOIA Report.....	35
Table 6. Ten Oldest Pending Consultations as Reported in the 2012 Annual FOIA Report.....	36
III. Use of FOIA’s Law Enforcement “Exclusions”	44
IV. Spotlight on Success.....	45
APPENDIX B: DHS Organizational Chart.....	49
Department of Homeland Security Chief FOIA Officer.....	50
Department of Homeland Security Component FOIA Officers.....	50
APPENDIX D: Acronyms, Definitions, and Exemptions.....	52

I. Overview of the DHS FOIA Program

A. Operational Overview of the DHS FOIA Program

The Department's FOIA program began with the establishment of the Department in 2003. Many of the agencies that were merged into DHS had pre-existing, well-established FOIA operations. Elements of those decentralized operations continue today. Subject to Department-wide FOIA regulations and the policy leadership of the DHS Privacy Office, DHS Components are responsible for establishing and maintaining their own FOIA programs and operationally deciding whether to establish a centralized or decentralized FOIA program at the Component or Directorate level. The DHS Organizational Chart is provided in Appendix B. Contact information for DHS FOIA Officers is provided in Appendix C.

B. About the FOIA Operations of the DHS Privacy Office

In accordance with *Executive Order 13392, Improving Agency Disclosure of Information*,⁸ the Secretary of Homeland Security (Secretary) designated the DHS Chief Privacy Officer (Chief Privacy Officer) to serve concurrently as the Chief FOIA Officer to promote efficiency, effectiveness, and statutory compliance throughout the Department. The Chief Privacy Officer, who leads the DHS Privacy Office, reports directly to the Secretary for both FOIA and privacy-related purposes. On August 29, 2011, the Secretary delegated to the Chief Privacy Officer the authority to develop and oversee the implementation of policies within the Department and, except as otherwise provided by law, carry out the functions of the agency regarding compliance with FOIA, the Privacy Act, and the *E-Government Act of 2002*.⁹

The DHS Privacy Office coordinates Department-level compliance with FOIA by developing Departmental policy to implement important FOIA initiatives, including the sweeping changes set forth in the President's FOIA Memorandum and the Attorney General's FOIA Guidelines of 2009.¹⁰ Additionally, the DHS Privacy Office performs coordination and oversight of Component FOIA Office operations, provides FOIA training, and prepares required annual reports on the Department's FOIA performance. The DHS Privacy Office, through its FOIA

⁸ *Executive Order Number 13392*, Fed. Reg. Volume 70, 75373 (Dec. 14, 2005). The Executive Order's requirement for the establishment of the Chief FOIA Officer position was enacted into law as provisions of the FOIA (5 U.S.C. §§ 552(j), (k)) by the *OPEN Government Act of 2007*, Pub. L. 110-175, 121 Stat. 2524 (Dec. 31, 2007). The Chief Privacy Officer position was established by Section 222 of the *Homeland Security Act of 2002* (Homeland Security Act), 6 U.S.C. § 142 (2002). Section 222 assigns the Chief Privacy Officer responsibilities to ensure that privacy and transparency in government are implemented throughout the Department. Congress expanded the authorities and responsibilities of the Chief Privacy Officer in 2007 in the *Implementing Recommendations of the 9/11 Commission Act of 2007* (9/11 Commission Act), Pub. L. 110-53, 6 U.S.C. § 101 note. Section 802 of the 9/11 Commission Act added investigatory authority, the power to issue subpoenas, and the ability to administer oaths, affirmations, or affidavits necessary to investigate or report on matters relating to responsibilities under section 222 of the Homeland Security Act. These responsibilities are further described on the DHS Privacy Office website: <https://edit.dhs.gov/chief-privacy-officers-authorities-and-responsibilities>.

⁹ Pub. L. 107-347, § 208, 44 U.S.C. § 101 note.

¹⁰ The President's FOIA Memorandum of January 21, 2009, is available at: http://www.justice.gov/oip/foia_guide09/presidential-foia.pdf. The Attorney General's Memorandum of March 19, 2009, is available at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>.

unit, also processes initial FOIA and Privacy Act requests to the Office of the Secretary (including the Military Advisor's Office and the Office of Intergovernmental Affairs), and many divisions within DHS Headquarters.¹¹

The Deputy Chief FOIA Officer (DCFOIAO), who serves at the Senior Executive Service level, advises the Chief FOIA Officer and other executive-level leaders throughout DHS on compliance with FOIA, the Privacy Act, the OPEN Government Act,¹² the requirements of Section 222 of the *Homeland Security Act*, as amended,¹³ and DHS policies, programs, and agreements that promote adherence to information disclosure principles. The DCFOIAO oversees the development and implementation of Department-wide FOIA/Privacy Act policies and procedures, such as internal headquarters procedures, and guidelines based upon new or revised legislation or recommendations. She is also responsible for the development and delivery of effective training in these areas.

During this reporting period, the DCFOIAO guided the restructuring of the office to ensure full implementation of the DHS Privacy Office's Strategic Plan. Four directors and one manager assist the DCFOIAO:

1. The Senior Director of FOIA Operations provides greater visibility, leadership, and oversight of DHS FOIA activities and serves as a key adviser to the Senior Executive Service level DHS leaders on Department-wide policies and program objectives on matters that pertain to DHS record disclosure. The Senior Director works closely with senior leadership throughout the Department and functions as an authority on information disclosure matters under the FOIA and Privacy Act and serves as a principal DHS point of contact with other federal, state, and local agencies and private organizations.
2. The Director of FOIA Production and Quality Assurance is responsible for managing the processing of FOIA and Privacy Act requests for records maintained by DHS Component FOIA Offices, coordinating the processing of FOIA requests to ensure that they are handled consistently throughout the Department, and serving as the DHS Privacy Office FOIA Public Liaison¹⁴ to address FOIA-related customer service issues.
3. The Director of FOIA Improvement addresses the FOIA backlog, trains staff, increases proactive disclosures, and identifies ways to improve the FOIA program at DHS. The Director meets with the requester community in roundtable discussions to learn what information they would like to see proactively posted on agency websites. DHS encourages public feedback to improve transparency and ensure that proactive disclosures are meaningful.

¹¹ In this report, a reference to the "Department" or "DHS" means the entire Department of Homeland Security, including its Components, directorates, and the Office of the Secretary. The DHS FOIA Office processes the Privacy Office's initial requests and those for the following Components: Office of the Secretary, Citizenship and Immigration Services Ombudsman, Domestic Nuclear Detection Office, Office of the Executive Secretary, Office of Intergovernmental Affairs, Management Directorate, Office of Policy, Office of the General Counsel, Office of Health Affairs, Office of Legislative Affairs, and Office of Public Affairs. Appendix A lists the DHS Components and their customary abbreviations. Appendix D lists acronyms, definitions, and exemptions.

¹² Pub. L. 110-175, 121 Stat. 2524 (Dec. 31, 2007).

¹³ 6 U.S.C. § 142.

¹⁴ This position was established in law by 5 U.S.C. § 552(l).

4. The Director of FOIA Technology is dedicated to the implementation and successful operation of the electronic monitoring, tracking, and redacting COTS web application solution to process FOIA and Privacy Act requests and managing the DHS Privacy Office web presence.
5. The FOIA Production Manager is responsible for creating metrics reports to measure current workloads, address backlogged cases, and identify trends and successes in closing cases.

DHS Privacy Office staff also includes eight Government Information Specialists (FOIA) who: (1) process the initial requests for the Office of the Secretary and divisions within DHS Headquarters; (2) route requests to Component FOIA Offices; and (3) assist in the preparation of the Department's required FOIA reports. DHS programs are wide-ranging, and the processing of requests requires close coordination with many internal and external customers, including other federal agencies, state and local governments, foreign entities, and private companies. DHS Privacy Office Government Information Specialists also provide expert FOIA guidance to the Component FOIA Offices, and communicate regularly with DHS's many stakeholders.

II. Promoting Openness and Efficiency: Addressing Key Areas of Interest to the Department of Justice

A. Section I: Steps Taken to Apply the Presumption of Openness

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

FOIA Training:

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

Yes, the DHS Privacy Office and the Component FOIA Offices held conferences and conducted training during the reporting period.

2. If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.

- The DHS Privacy Office conducted biweekly New Employee Training on FOIA along with best practices for safeguarding personally identifiable information, for approximately 208 employees.
- The DHS Privacy Office offered a training opportunity by bringing specialized training to the DHS campus. In May 2013, the Department of Justice (DOJ), Office of Information Policy (OIP) trained the Department's FOIA staff, as well as staff from the Office of the Chief Procurement Officer, on FOIA Exemption 4 and contracts. There were 75 participants.
- In June 2013, the DHS Privacy Office provided training to DHS Operations Security Working Group staff that included a FOIA overview and the roles and responsibilities of the staff. There were 21 participants.
- The DHS Privacy Office provided training on its COTS web application solution and an overview of processing FOIA requests. The DHS Privacy Office conducted 22 full day training sessions for FEMA, Transportation Security Administration (TSA), United States Immigration and Customs Enforcement (ICE), Office of Inspector General (OIG), Science and Technology Directorate (S&T), National Protection and Programs Directorate (NPPD), and Office of Intelligence and Analysis (I&A) and 10 additional shorter training sessions for the DHS Privacy Office. The estimated number of participants was 195.
- The DHS Privacy Office provided a one-day FY 2013 Annual Report Refresher Training to the Component FOIA staff that included the reporting requirements and best practices for responding to FOIA requests. The number of participants was 18.

- Component FOIA Offices provide full-time and collateral FOIA staff training specific to each Component:
 - NPPD provided four training sessions to its subcomponents that included an overview of FOIA and employee responsibilities. FOIA specialists and liaisons are offered weekly training at FOIA team meetings in which a specific issue, process, or case is discussed.
 - TSA held nine training sessions regarding the FOIA administrative process, duties, and responsibilities. The estimated total number of participants was 160. Additionally, the TSA FOIA Sunshine Week celebration reached several hundred TSA employees through an exhibit at the TSA cafeteria, on-line materials, and posters.
 - USCG provided training to five personnel in a sub-unit on initial request processing and the use of FOIA exemptions.
 - S&T conducted two annual training sessions for federal employees and contractors. The topics included S&T internal processes, appeals, litigation, search techniques, expectations, FOIA exemptions, best practices, and identifying proprietary data. An estimated 100 employees participated. Additional training for this fiscal year was postponed due to the government shutdown.
 - I&A provided an overview of the FOIA on a monthly basis for all newly assigned personnel. I&A conducted 11 training sessions for approximately 150 personnel.
 - The United States Citizenship and Immigration Services (USCIS) conducted more than 30 separate training sessions this reporting period for both new and seasoned FOIA personnel. USCIS also provided training to its domestic field offices in April 2013. The number of participants who attended the training sessions ranged from individual instruction to participation of the entire USCIS FOIA staff of 160 personnel. Topics included:
 - Introduction to FOIA processing in USCIS (two week course)
 - FOIA exemptions and their application to alien file records
 - The FOIA and Privacy Act interface
 - Handling of refugee and asylum records, and release of asylum officer notes
 - Consent requirements and establishing identity of the requester and subject in a FOIA request
 - Identifying reasonably segregable materials for release
 - FOIA appeals and litigation
 - Discretionary releases
 - Proper handling of National Security Information and FOIA requests
 - Referrals and consultations
 - Fees and fee waivers
 - The role of the Office of Government Information Services (OGIS) and FOIA mediation services
 - United States Customs and Border Protection (CBP) FOIA Appeals, Policy and Litigation Branch provided training to 20 FOIA professionals regarding FOIA exemptions, appeals, and litigation.
 - The United States Secret Service (USSS) conducted FOIA training for FOIA professionals, new Special Agent recruits, and other USSS employees. The topics

- included FOIA statutes and regulations, identifying factors unique to the USSS that impact the processing of FOIA requests, FOIA exemptions, referrals, consultations, interagency coordination, expedited processing, and fee issues. The estimated number of participants was 115 participants.
- FEMA conducted a training conference with approximately 25 participants. The topics of discussion included FOIA procedural guidance, fee estimates, fee waivers, proper use of exemptions, appeals, and litigation concerns. Additionally, FEMA conducts biweekly staff meetings to address FOIA issues and concerns. FOIA professionals engage in routine dialogue of meeting statutory deadlines, contacting requesters to narrow the scope of requests when it may serve to benefit them, processing complex requests, and identifying unperfected requests.
 - ICE conducted training during new employee orientation, which consisted of 52 sessions and 26 days with an average of 10 employees per session. This training provided an overview of FOIA statute procedural requirements and its exemptions.
 - ICE also conducted annual refresher training to the FOIA staff over three days with 17 participants.
 - ICE conducted a three-day training course twice for the contractor (eight participants) and two three-day courses for the ICE Academy staff (60 participants), along with a one-day training course for 10 members of the DHS Privacy Office. This training provided an overview of the FOIA statute procedural requirements, exemptions, and recent updates and changes to ICE's application of the statute.

3. Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice?

The Department places a high priority on training and education. All DHS Headquarters personnel and most Component staff receive FOIA training as part of New Employee Orientation. This initial FOIA training is reinforced through mandatory annual instruction in records management that also addresses staff FOIA responsibilities.

In addition to internal training that DHS and the Components provide to their staff, FOIA professionals throughout the Department also attended classes offered outside the Department by the DOJ OIP, OGIS, the American Society of Access Professionals (ASAP), the Graduate School USA, and American University. Staff training this year included: FOIA Fundamentals, FOIA Litigation, Introduction to the FOIA, FOIA for Access Professionals, Advanced FOIA, Records Management, Dispute Resolution Skills, FOIA Exemption 4 and Contracts, FOIA Fees Summit, and ASAP's 6th Annual National Training Conference.

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

DHS estimates 94 percent of all DHS FOIA professionals attended substantive FOIA training during this reporting period. The DHS Privacy Office and all of the Components reported that 100 percent of the FOIA professionals attended substantive FOIA training during this

reporting period, with the following exceptions: OIG reported 95 percent, TSA reported 90 percent, and USCG reported two percent.

5. OIP has issued guidance that every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year. Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.
 - In November 2013, the DHS Privacy Office participated along with multiple federal agencies in an OIP forum in which OIP announced its intention to deploy four distinct e-learning FOIA training modules for agency use in 2014. DHS plans to make this training available to the Department when it is available, and will ask the Office of the Chief Human Capital Officer (CHCO) to track compliance, if feasible.
 - Many of the Components have mandatory annual FOIA training and track this information already. The DHS Privacy Office, NPPD, and FLETC have this as a mandatory requirement and as an item on the annual employee performance evaluation. Additionally, FLETC FOIA contract personnel are required by contract to attend annual FOIA training.
 - USCIS plans to invite DOJ attorneys to come to the USCIS National Records Center in Missouri to provide substantive, two-day FOIA training similar to the comprehensive training that DOJ provided to the USCIS FOIA staff in 2012.

Outreach:

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA? If so, please briefly discuss that engagement.
 - The DHS Privacy Office, CBP, ICE, and USCIS participated in an OGIS-hosted outreach activity via conference call with FOIA requesters, in which fees and fee waivers were discussed.
 - Additionally, the DHS Privacy Office interacts on a regular basis with the following groups to maintain transparency and increase communication:
 - American Civil Liberties Union (ACLU)
 - Citizens for Responsibility and Ethics in Washington (CREW)
 - Electronic Privacy Information Center (EPIC)
 - FOIA Group
 - Judicial Watch
 - Transactional Records Access Clearinghouse (TRAC)
 - Several news media outlets
 - USCIS participated in two separate outreach sessions with representatives from the American Immigration Lawyers Association (AILA). In May 2013, more than 30 AILA members visited the USCIS National Records Center in Missouri. After a tour, USCIS

provided a briefing regarding records operations in general within USCIS and other DHS Components, and an overview of the USCIS FOIA Program. The USCIS Chief FOIA Officer hosted a second outreach session with AILA members in October 2013.

- Additionally, USCIS FOIA Significant Interest Group interacts directly on a frequent basis with the following groups in order to foster good working relationships and improve lines of communication:
 - Association to Invest in America
 - Center for Immigrants' Rights, University of Pennsylvania
 - Judicial Watch
 - Immigrant investors under the EB-5 program
 - Several news media outlets

- CBP participated in the AILA Annual Conference via webinar held in June 2013, and discussed CBP's goal to reduce the FOIA backlog and sustain FOIA operations. Additionally, CBP reached out to frequent requesters suggesting they use the online request feature of the newly implemented FOIAonline. In May 2013, CBP mailed letters to more than 160 attorneys who frequently mail in their FOIA requests and asked that they use the CBP electronic FOIA submissions.
- In April 2013, the DHS Privacy Office hosted an open forum meeting with representatives from OGIS, ICE, and several members of the requester community to discuss FOIA-related fees and fee waivers.
- The DHS Privacy Office and NPPD attended ASAP's "Lunch & Learn" sessions, which included informal dialogue with the requester community.

Discretionary Disclosures:

In his 2009 FOIA Guidelines, the U.S. Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

7. Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.

DHS and all of the Components have either a formal or informal process in place to review records for discretionary release.

A few examples of the processes DHS has in place for reviewing records for discretionary release are provided below:

- The DHS Privacy Office, the Office for Civil Rights and Civil Liberties (CRCL), ICE, the Office of Operations Coordination and Planning (OPS), and S&T review the records on a case-by-case basis and determine what is appropriate for discretionary release.

- USCG requires an attorney to review all proposals to withhold information to ensure adherence with the 2009 FOIA Guidelines.
 - USSS FOIA professionals review the records on a case-by-case basis, identifying material customarily withheld by the agency, which can be categorically released. USSS also works closely with its Public Affairs Office in an effort to offer the requesters alternate ways of obtaining information.
 - OIG has a policy of making discretionary releases, per the 2009 FOIA Guidelines. While reviewing records, OIG ensures that openness and transparency prevail. OIG applies the foreseeable harm standard and discloses as much information as possible without compromising personal privacy, privileged records, or national security. When dealing with records that require full protection under the FOIA, OIG segregates and releases as much information as possible by exempting information that requires protection.
 - USCIS has a formal process in place for discretionary releases. A supervisor or expert processor reviews and approves all cases prior to release with the goal of providing discretionary releases, if possible. USCIS makes further discretionary releases during the FOIA appeals stage.
 - TSA FOIA analysts consult with subject matter experts and the Office of Chief Counsel prior to making any discretionary releases.
 - FEMA's Office of Chief Counsel reviews all records identified for discretionary release to ensure the maximum release to the public.
8. During the reporting period, did your agency make any discretionary releases of otherwise exempt information?

Yes. DHS Components made discretionary releases during the reporting period.

9. What exemptions would have covered the information that was released as a matter of discretion?

DHS used a variety of exemptions to release information in this manner:

- OIG, S&T, USCIS, FEMA, USSS, and ICE released material that could have been withheld pursuant to Exemption 5.
 - USSS released information that could have been withheld pursuant to Exemption 7(E).
10. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.
- S&T released statistical reports, training manuals, and drafts of documents and reports that did not have major context differences in the final versions.

- FEMA released internal memoranda and reports on policy issues.
- USSS released information pertaining to law enforcement techniques and attorney work-products.
- OIG released information in audit and inspection work papers, comments made in e-mails discussing a particular course of action prior to a final decision being made on a draft regulation or directive, and various documents indicating that a particular issue was discussed, but did not disclose the details of the discussion.
- ICE released a large number of records containing information protected by the deliberative process, attorney-client, and attorney work-product privileges relating to decisions to return previously deported aliens for their removal hearings, after ICE determined that the information would not harm the agency.

11. If your agency was not able to make any discretionary releases of information, please explain why.

- CRCL and OPS determined that the nature of the records did not allow for discretionary release.
- I&A determined that many of its records were classified or law enforcement sensitive, which did not allow for discretionary release.
- CBP determined that many of its records contained personally identifiable information and/or law enforcement sensitive information, which did not allow for discretionary release.

Other Initiatives:

12. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.

Yes, DHS posted all of the required quarterly reports to DOJ on the FOIA.gov website.

13. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.

The DHS Privacy Office reaffirmed the Department's commitment to openness and transparency by issuing a new policy memorandum in June 2013, titled [Updated Policy for DHS Application of FOIA Exemption 6 to DHS Personnel Information Contained within Agency Records](#), which provides updated guidance to ensure the Department processes personnel information contained within agency records in a consistent manner. The memorandum asserts that federal employees generally have no expectation of privacy regarding their names, titles, grades, salaries, bonuses, position descriptions, and duty stations, and as such, this information is generally releasable under the FOIA. The memorandum provides three common situations, however, in which the Department is likely to withhold the personally identifiable information (PII) of certain DHS personnel on a case-by-case basis.

The Department is proactive and open in its communication with requesters through its FOIA regulations as noted in two of the recommendations in an independent report by the Center for Effective Government in December 2013.¹⁵ In recommendation 18, DHS was mentioned for its best practice of notifying requesters when processing is delayed, and, in recommendation 22, for confirming the status of classified records.

FEMA routinely provides documents online pertaining to specific disaster declarations available at: <http://www.fema.gov/disasters>

USCG conducts a legal review of all requests that propose to withhold information ensuring the presumption of openness is applied to each requester.

The DHS Privacy Office and USCIS include performance goals in the annual performance plans of its FOIA managers requiring those employees to accomplish a certain number of outreach activities.

B. Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

Describe the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

Personnel:

During Sunshine Week 2012, OPM announced the creation of a new job series, Government Information Specialist, to recognize the professionalism of the work performed by FOIA and Privacy Act professionals.

1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?

DHS has converted 75 percent of its FOIA professional to the new Government Information Specialist job series. The DHS Privacy Office, USCG, FLETC, I&A, USCIS, and CBP converted all of their FOIA professionals to the new Government Information Specialist job series. For additional information on the Components who have converted partially or have not converted, see question 2 below.

2. If not, what proportion of personnel has been converted to the new job series?

¹⁵ Center for Effective Government *Best Practices for Agency Freedom of Information Act Regulations, December 2013* is available at: <http://www.foreffectivegov.org/foia-best-practices-guide>.

- FEMA has converted 25 percent of its personnel to the new job series.
 - The following Components have not converted any of their personnel: CRCL, OPS, NPPD, TSA, OIG, S&T, USSS, and ICE.
3. If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?
- OIG, ICE, TSA, and NPPD are working with management and their respective Human Capital offices to ensure that all FOIA professionals are converted to the new job series as soon as practicable.
 - USSS is reviewing existing FOIA professionals' position descriptions for conversion to the new Government Information Specialist job series. Upon completion of the review, USSS will submit a request to the Human Capital Division to convert all FOIA positions.
 - FEMA is collaborating with the American Federation of Government Employees Union and the Office of the Chief Component Human Capital Officer to convert incumbents to the new job series.
 - S&T does not have a plan to ensure that all FOIA professionals' position descriptions are converted, however, S&T will work with the Office of the Component Human Capital Officer to have incumbents converted to the new job series as soon as practicable. S&T indicated that some of the core responsibilities of a Government Information Specialist (such as records or privacy) are separate positions within S&T.
 - CRCL and OPS have no plans to convert their position descriptions. However, the DHS Privacy Office will work with every Component to ensure all FOIA personnel are converted to the new Government Information Specialist job series as soon as practicable.

Processing Procedures:

4. For Fiscal Year 2013, did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Yes, the DHS Privacy Office and the Components maintained an average of 10 or less calendar days to adjudicate requests for expedited processing.

5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or Components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations? If so, please describe those steps.

DHS and Component FOIA Offices took several steps to more efficiently and effectively handle consultations and referrals as noted below:

- a) NPPD's Office of Biometric Identity Management (OBIM) signed a Service Level Agreement (SLA) with USCIS National Records Center to process all OBIM/United States Visitor and Immigrant Status Indicator Technology (US-VISIT) referrals starting in FY 2014.
- b) USCIS signed a SLA with CBP to process their respective documents within an alien file (A-File) rather than refer the documents to them for processing. USCIS is the designated custodian of all A-Files. USCIS also entered into understandings with the Federal Bureau of Investigation, the Bureau of Prisons, and the Department of State on the handling of their respective documents within an A-File requested under FOIA, and agreed to streamline steps to expedite consultations, and in some instances predetermined how certain information should be processed for release, thereby eliminating the need for a consultation or referral.
- c) USSS entered into agreements with USCIS and the Executive Office for United States Attorneys to review, process, and redact certain categories of information.
- d) S&T closely coordinated with the Department of Navy/Spawar Office to process a large FOIA request. The majority of the responsive records were e-mail correspondence. Both agencies agreed that the first 20 pages of consultation would serve as a guide and set a precedent for determining the releasability of the records (specifically applicable to Exemption 6). S&T submitted the suggested redactions to the Navy Spawar Office and received concurrence within three days. This verbal agreement allowed S&T to release the records quickly. S&T plans to implement this technique with other agencies in this manner, as the need arises.

Requester Services:

6. Do you use e-mail or other electronic means to communicate with requesters when feasible?

Yes, DHS and the Components use e-mail or other electronic means to communicate with requesters when feasible.

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

Yes, DHS and the Components provide the notification in final response letters for denials, partial denials, and no records responses.

On January 8, 2014, the Chief Privacy Officer signed and updated "Department of Homeland Security/ALL – 001 Freedom of Information Act and Privacy Act Records System of Records," (1) to reflect a change in the location of records to include the use of electronic FOIA tracking systems by DHS and its Components; (2) to provide additional routine uses to permit additional sharing; and (3) to update categories of records to include responses to requests. DHS added Routine use L which permits DHS to share the information as follows: "To National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. § 552(h), to review administrative agency policies, procedures, and compliance with the FOIA, and to

facilitate OGIS's offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.”¹⁶

8. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc.

The DHS Privacy Office increased the functionality of the COTS web application to allow for document sharing, consultations, and referrals within the application. During the reporting period, the DHS Privacy Office, FEMA, I&A, ICE, NPPD, S&T, TSA, and USSS used the application resulting in increased productivity. Additional Components have signed on to use the application for the upcoming year. The DHS Privacy Office also introduced the ADR feature, a de-duplication capability which allows FOIA staff to upload e-mail correspondence files and de-duplicate the correspondence based on a comparison process performed by the application.

The DHS Privacy Office and ICE reaped additional mutual benefits from the COTS web application. By using the interoperability of the application, the DHS Privacy Office assisted ICE with processing requests without the need to detail employees to an ICE location. DHS Privacy Office employees remained at their normal duty station and processed cases on behalf of ICE. Additionally, after using the application and experiencing the benefits, ICE determined that it could cut its technical FOIA-related expenses in roughly half, if not more, compared to the expenses of its in-house technical solutions.

FLETC also instituted an overall review of its website and its FOIA processes, including the logging and tracking of requests.

CBP conducted an assessment of the FOIA program and as a result developed an effective Process Workflow Model for FOIA. CBP redesigned its CBP FOIA webpage making it more user-friendly by adding an acknowledgement screen to the Public Access Link (PAL), thereby creating an electronic perjury statement. The screen contains the language that appears on the Form G-639 Freedom of Information/Privacy Act Request form for the Sworn Declaration Under Penalty of Perjury. The electronic perjury statement provides an electronic signature verifying the requester's identity and must be acknowledged prior to submitting a FOIA request. This change allowed CBP to verify the requester's identity and process the request immediately. CBP added instructions on the webpage to provide FOIA requesters with information on how to submit a FOIA request, and included a link to the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, which is required for all third party requests. The site now has five tabs and a quick link to PAL. Requesters can now learn about FOIA and the records CBP handles, submit a FOIA request, check the status of a FOIA request, and view the CBP FOIA Library.

TSA took several steps to ensure that its FOIA program operates efficiently:

¹⁶ Department of Homeland Security/ALL – 001 Freedom of Information Act and Privacy Act Records System of Records is available at <http://www.dhs.gov/system-records-notices-sorns>.

- TSA FOIA Branch conducted a comprehensive assessment of historical performance, relying heavily on metrics analysis and anecdotal data. As a result, the TSA FOIA Branch was restructured to provide process improvements and more visibility of open FOIA cases to the entire team, and to allow the team to participate in additional operational work (in addition to case-processing).
- TSA FOIA Branch is using newly created dashboards to provide each FOIA Analyst with real-time information about oldest cases, newest cases, and his or her complete portfolio. New metrics reports are now being used to measure current workloads, anticipated backlogged cases, and successes in closing cases.
- TSA FOIA Branch leadership met with several program and review offices to streamline specific processes, including the Offices of Acquisitions, Human Capital, Privacy, Sensitive Security Information, and Chief Counsel.
- TSA FOIA Branch participated in the TSA Administrator's leadership team training, providing high-level guidance to senior leaders about FOIA law and their responsibilities.
- TSA FOIA Branch redesigned its annual 2014 performance metrics to be more aggressive in addressing backlogged cases and closing more cases.
- TSA FOIA Branch developed a Memorandum of Understanding with DHS to procure the de-duplication add-on feature for the COTS web application solution to address redundancies. The add-on feature will be available in early 2014.

USCIS took the following steps to ensure its FOIA program operated efficiently:

- USCIS conducted a one-day strategy session with representatives from the USCIS Office of Information Technology, local information technology personnel, senior agency management, and 12 FOIA processors and reviewers who use its automated FOIA processing system, to prioritize the list of enhancements to be added to the system to increase stability and efficiency for all users.
- USCIS is implementing the suggestions that a reengineering team from the United States Military Academy provided in its detailed examination of the entire USCIS FOIA process, cradle to grave. The team identified several time saving efficiencies to include eliminating some unnecessary repetitive steps that will result in reducing the time to scan new requests and responsive records.
- USCIS established a Quality Assurance team to perform quality reviews and discrepancy checks on a sampling of FOIA work produced in USCIS each month. The findings are analyzed and presented in a briefing to the USCIS Chief FOIA Officer and senior FOIA managers and supervisors who then discuss options for improving performance and quality. This information is shared with the FOIA staff and used for additional training. During this reporting period, beginning in March 2013, USCIS tracked an impressive 26 percent reduction in the number of errors noted in USCIS FOIA work products examined.
- USCIS published a revised FOIA/PA request form, the G-639, available online at the USCIS FOIA website for download as a pdf file. The new form contains easy to follow instructions and the information necessary for USCIS to conduct an adequate search for responsive records.

C. Steps Taken to Increase Proactive Disclosures

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2013 to March 2014). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures?

Yes, please see the systems below.

2. If so, describe the system that is in place.
 - DHS and the Components follow the guidance set forth in a policy memorandum in December 2010, titled *DHS FOIA Office Procedures and Standards for Effectively Implementing Section (a)(2)(D) of the FOIA “Frequently Requested Documents” Procedures*,¹⁷ which outlines the process for determining when and how to disclose frequently requested documents.
 - The DHS Privacy Office’s FOIA COTS solution has a text field where processors are able to input key words associated with each request, enabling managers to run reports that identify frequently requested documents.
 - USCIS hired a GS-12 management and program analyst whose primary duty is to identify, gather, and post records for proactive disclosure to the USCIS Electronic Reading Room and the USCIS FOIA website.
 - CBP evaluates the records using the criteria of whether the records have been requested multiple times by different sources, whether they are related to a current event and likely to be requested again, or whether they are related to similar requests from previous years, e.g., a specific set of statistics requested each fiscal year by multiple sources. If CBP determines the records meet the aforementioned criteria, CBP posts the records in the reading room.
 - USSS flags frequently requested records pertaining to matters of significant interest to the general public and posts the records to the USSS FOIA library.
 - FEMA collaborates with its program offices to discuss posting records that are publicly available for release.
 - ICE has several employees who see every incoming FOIA request and flag requests for posting to the ICE FOIA Library. Additionally, ICE has made arrangements with several

¹⁷ This guidance is available at <http://www.dhs.gov/xlibrary/assets/foia/cfoiao-memo-dhs-priv-foia-a2d-procedures-20101208.pdf>.

program offices to receive copies of frequently-requested reports as they are finalized so that those reports can be posted immediately.

- OIG ensures the transparency of OIG operations by posting its final audit and inspection reports (with any classified or sensitive information necessarily protected). In general, if the OIG receives three or more FOIA requests seeking similar information, and the responsive records are publicly releasable, OIG posts the requested records to the OIG reading room website.
- TSA is taking steps to post all processed records that do not contain privacy information.

3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

From March 2013 through January 2014, DHS proactively posted 16,873 pages, as reported by Components in the DHS FOIA Monthly Reports. DHS has proactively posted 63,858 pages since October 2010, which is when the Department began tracking this information via these reports. A vast array of information is posted on DHS websites, including material previously available only through a formal FOIA request, such as: historical documents; daily schedules of senior leaders; management directives; contracts; memoranda related to FOIA operations; and procurement records that include awards, orders, solicitations, and purchase cardholder lists.

- The DHS Privacy Office posted FOIA logs, congressional correspondence logs, and other frequently requested records: <http://www.dhs.gov/foia-library-frequently-requested-records#1>
- TSA posted Advanced Imaging Technology information, claims data, contracts, and FOIA logs: <http://www.tsa.gov/research-center/electronic-reading-room>
- USCG posted agency policy, administrative investigations, and Accident Mishap reports: http://www.uscg.mil/foia/FOIA_Library.asp
- OIG posted completed inspection and audit Reports, quarterly FOIA logs, and quarterly congressional correspondence logs:
http://www.oig.dhs.gov/index.php?option=com_content&view=article&id=120&Itemid=1
http://www.oig.dhs.gov/index.php?option=com_content&view=article&id=10&Itemid=78
- USCIS posted Deferred Action for Childhood Arrivals (DACA), contracts, asylee and refugee information, *Defense of Marriage Act* (DOMA), A-Files of interest, and genealogy information: <http://www.uscis.gov/about-us/electronic-reading-room>
- CBP posted the following information:
 - CBP Traveler Entry Forms:
http://www.cbp.gov/xp/cgov/travel/clearing/traveler_entry_form.xml

- Prohibited and Restricted Items: http://www.cbp.gov/xp/cgov/travel/id_visa/kbyg/prohibited_restricted.xml
- *NOTICE* The optional shipping methods for Canada and Mexico have changed: http://www.cbp.gov/xp/cgov/trade/basic_trade/ship_can_mexchange.xml
- CBP Canine Program: http://www.cbp.gov/xp/cgov/border_security/canine/
- CBP Use of Force Reviews, Recommendations and Next Steps at: http://www.cbp.gov/xp/cgov/border_security/bs/force_reviews.xml
- FEMA posted disaster related records: <http://www.fema.gov/disasters>
- ICE posted Secure Communities Nationwide Interoperability Statistics and Office of Detention Oversight Compliance Inspection Reports: <http://www.ice.gov/foia/library/index.htm>
- USSS posted updated FOIA logs and records pertaining to Aaron Swartz, Richard Pavlick, and Occupy Wall Street: http://www.secretservice.gov/foia_reading.shtml

Making Posted Material More Useful:

4. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency’s website, such as soliciting feedback on the content and presentation of posted material, improving search capabilities on the site, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.?

Yes, see below.

5. If so, provide examples of such improvements.

The DHS website randomly seeks user feedback, although not exclusively for the DHS FOIA page.

- OIG monitors its website to ensure materials are accessible and current. OIG posts frequently requested records and updates them as required. OIG also uses social media as a means of transparency, advising its Twitter followers of newly-released reports, ways to report allegations, and of whistleblower protection resources. Twitter serves as a secondary communication conduit to further the impact, and accessibility, of OIG publications.
- FEMA solicits feedback through its FEMA FOIA hotline and its FOIA mailbox. FEMA’s search parameters on its website allow the requester to select a disaster by name.

USCIS conducted a survey in June 2013 of 424 requesters who had previously filed FOIA requests. Over 80 percent of those who responded were representatives of law offices. Among the questions asked in the survey:

- Did you visit the “How to File a FOIA Request” webpage on the USCIS website to obtain information on how to submit your request?
- How satisfied are you with the information provided on the USCIS website?
- Did you check the status of your FOIA request online at the “Check Status of Request” webpage on the USCIS website, and, if so, how satisfied were you with the information provided?
- Have you visited the USCIS Electronic Reading Room on the USCIS website to see if the information posted there may answer a FOIA request you are submitting?

Based on the responses received and the comments submitted with the survey responses, USCIS revised and updated the Frequently Asked Questions page on the website, reorganized the website to make navigation easier, and added new links to other sites of interest in FOIA and immigration topics in general. USCIS also posted a new chart on the website that provides requesters with a quick and easy to follow reference to help determine with which agency to file a FOIA request in order to obtain particular records. And the Electronic Reading Room contents are now grouped by subject matter to make specific topics easier to locate.

CBP’s Non-Government Organization (NGO) Liaison met with AILA on several occasions to discuss concerns and recommendations. CBP used the suggestions pertaining to areas of public interest to reach a decision on what information would be useful to proactively post.

ICE is constantly adding new tabs to the ICE FOIA Library website to make the site more user-friendly, and enable the public to locate information quickly. For example, ICE created a “Recent Testimony” tab that contains links to the prepared text versions of testimony by ICE leadership before Congress.

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?

The DHS Privacy Office uses a web service called GovDelivery that allows subscribers to receive e-mail notifications whenever new material is posted.

The DHS Privacy Office also works with senior leadership at the Department to inform them of proactive disclosures. In March 2013, the Assistant Secretary for the Office of Legislative Affairs (OLA) provided a letter to members of Congress informing them of the Department’s initiative to post congressional correspondence logs quarterly in the DHS FOIA Library beginning April 2013.¹⁸

OIG uses social media as a means of transparency, advising its Twitter followers of newly-released reports, ways to report allegations, and of whistleblower protection resources.

¹⁸ The letter is available at <https://edit.dhs.gov/sites/default/files/publications/foia/ola-signed-letter-to-congress-congressional-correspondence-logs-3-12-2013.pdf>.

USCIS posted on the home page of its public FOIA website notices identifying various new proactive disclosures available in the USCIS Electronic Reading Room. Regarding the proactive disclosure of records dealing with specific EB-5 cases that were the subject of high public interest, USCIS notified major news media outlets and reporters via telephone calls and e-mails that the records were available in the USCIS Electronic Reading Room.

CBP uses its NGO Liaison to publicize important proactive disclosures.

7. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are.

DHS and the Components continue to focus on case management and case closure, which leaves little time allocated for the proactive work of posting records. Additionally, the sensitivity of records such as law enforcement or classified require several necessary levels of review, often making it difficult, or in some instances not possible to post records.

8. Describe any other steps taken to increase proactive disclosures at your agency.

CBP met with an NGO to discuss the type of information they would like to see released without filing a FOIA request.

D. Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. Over the past several years, agencies have reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2014, as we have done over the past years, the questions have been further refined and now also address different, more innovative aspects of technology use.

Online tracking of FOIA requests:

1. Can a FOIA requester track the status of his/her request electronically?

The DHS Privacy Office, along with the following Components provide online tracking to FOIA requesters: CRCL, CBP, FEMA, I&A, ICE, NPPD, S&T, TSA, and USCIS.

FLETC, OIG, OPS, USCG, and USSS do not provide online tracking to FOIA requesters at this time.

2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?

The DHS Privacy Office posts the status of all cases being processed within the COTS web application on the DHS Privacy Office FOIA public facing website, which is updated

weekly. The DHS Privacy Office posts the status of its cases and the following Components currently using the DHS Privacy Office managed application: CRCL, FEMA, I&A, ICE, NPPD, S&T, and TSA. This allows requesters to go to a central location and look up the current status of their case via their assigned case number. The DHS Privacy Office is upgrading this feature to provide case status updates daily.

USCIS has an online status check, which can be used to check the pending status of a FOIA request.

ICE has a web-based application that is linked to the ICE FOIA Request Tracking System.

CBP uses FOIAonline, which provides requesters with their request status as their request moves towards completion.

3. Describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is “open” or “closed,” while others will provide further details to the requester throughout the course of the processing, such as “search commenced” or “documents currently in review.” List the specific types of information that are available through your agency's tracking system.

A requester’s ability to track his/her request online varies from Component to Component, as does the type of information that is provided to the requester:

CBP provides the following five stages of the processing of the request to the requester: submitted, evaluation, assignment, processing, and closed.

USCIS provides the requester with the processing track the request has been assigned, and where the request stands in the processing queue. This data is updated every 24 hours.

The DHS Privacy Office and the Components using the COTS web application solution provide the following information to the requester:

- Request ID – This is the request number that has been provided to the requester.
- Received Date – The date the request was received by the component.
- Request Status – The current status of the request which can be:
 - Closed – The case has been processed, released, and closed.
 - Perfected – The request has been received and assigned to a processor and completed the perfecting stage.
 - Assigned – The case has been assigned to a designated processor.
 - Request for Docs Sent – A request for documents has been sent to another Component or federal agency.
 - Documents Added – Responsive documents have been added to the request.
- Closed Date – The date the case was closed by the processor.

ICE provides the following information through its tracking system:

- Initials of the processor working on the request
- Date received
- Method of receipt – mail, fax, e-mail
- Process type: simple or complex
- Disposition of request: pending, case open, case closed
- Additionally, the requester can now track by the USCIS National Records Center number, if applicable.

4. In particular, does your agency tracking system provide the requester with an estimated date of completion for his/her request?

The DHS Privacy Office's managed application check status capability provides an estimated date of completion for all Components currently using the application. All Components provide requesters with estimates, upon request. Additionally, the USCIS online status check site informs requesters what the current average processing times are for each of the three FOIA processing tracks. Using that information along with the place the request is currently in line to be processed, the requester can estimate when the request will be completed.

5. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability? If not, please explain why.

The DHS Privacy Office currently provides an online mechanism for requesters to track the status of their requests. The feature provides updates on a weekly basis. The DHS Privacy Office has initiated a development effort with a contractor to upgrade this feature to be more user friendly as well as provide daily updates.

As noted above in question four, the DHS Privacy Office's managed application check status capability provides online tracking of requests for all Components currently using the application. Although the capability to provide online tracking of requests exists, FLETC and USCG indicated they require training in order to use this feature and anticipate this will occur during the year.

OIG is inquiring into the feasibility of a new, enhanced FOIA database and tracking system and is considering as part of this system development, a mechanism that would allow requesters to track their requests online.

USSS is working on deployment efforts to provide online status to FOIA requesters through a PAL, which is a web portal solution within USSS's COTS web application.

OPS determined that due to the limited number of requests it receives providing online tracking of requests is not cost effective.

Use of technology to facilitate processing of requests:

6. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Yes, see below.

7. If so, describe the technological improvements being made.

The DHS Privacy Office and fifteen of the Component FOIA Offices deployed a new electronic monitoring, tracking, and redacting COTS web application solution that included improved search capabilities, as well as the ability for Components to share documents for consultations and referrals. Also, new this year is the ADR, a de-duplication capability that allows FOIA staff to upload e-mail correspondence files and de-duplicate the correspondence based on a comparison process performed by the application. This feature will increase efficiency by eliminating the need to manually compare and de-duplicate records.

During the reporting period, NPPD, OPS, and ICE transitioned to the COTS web application solution. ICE has the ability to de-duplicate documents within this solution.

TSA is using the COTS web application solution and will be using the de-deduplication capability to enhance the overall case processing time in early 2014.

S&T uses its internal SharePoint sites to share information pertaining to FOIA consultations with its offices.

CBP is developing a system that allows travelers to retrieve their border crossing information for up to five years. The I-94 Public Website will offer requesters five years of I-94 travel history. This is an alternative to, not a replacement of, the formal FOIA process, which will still be available to requesters for whom five years of I-94 travel history are not enough. This project aims to provide a limited data return primarily to assist travelers who are applying to USCIS for naturalization.

The USCIS Significant Interest Group is also at the forefront of using technology in obtaining records responsive to a FOIA request. They now staff for responsive records electronically by submitting the staffing request to USCIS program offices through the Enterprise Collaboration Network (ECN) website. The program offices receive the staffing request, conduct a records search, and upload the responsive records to ECN. Significant Interest Group members then download the responsive records from ECN for processing.

USCIS is pursuing a software solution that can provide one or more of the following capabilities:

- De-duplication of records;
- Sorting and indexing of voluminous responsive records;

- Integration of the electronic processing system with a web portal that will enable the filing of FOIA requests online that are then automatically populated into the processing system;
 - Digital signature.
8. Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?

NPPD is interested in obtaining software to blur photographs and videos.

The DHS Privacy Office has been pleased with the successful implementation of the COTS web application solution. The application allows for even further expansion so that more federal FOIA programs and Components could leverage the benefits of the application. However, to increase users, additional technical resources such as storage and bandwidth capabilities are needed.

E. Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The President and the U. S. Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2013 Annual FOIA Report and, when applicable, your agency's 2012 Annual FOIA Report.*

Simple Track Requests:

1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.
 - a. Does your agency utilize a separate track for simple requests?

Yes, DHS utilizes a separate track for simple requests. In FY 2013, the Department received an unprecedented number of FOIA requests —231,534 in total — an increase of 18 percent from FY 2012's total of 190,589. DHS processed 204,332 requests, a decrease of one percent from 205,895 in FY 2012. DHS closed 85,516 simple perfected requests in FY 2013, an eight percent increase compared with the 78,432 closed in FY 2012. The Department closed 113,793 complex perfected requests in FY 2013, a two percent increase compared with the 111,811 closed in FY 2012. In total, DHS closed 199,309 perfected simple and complex requests in FY 2012. Of the 204,332 total

requests closed in FY 2013, DHS released responsive records in 68 percent of cases. The percentage of FOIA requests with information released is even higher--72 percent--when 13,333 requests were eliminated because they were duplicative or withdrawn or were records that do not exist or fall under the purview of another agency.

- b. If so, for your agency overall, for Fiscal Year 2013, was the average number of days to process simple requests twenty working days or fewer?

While the Department closed one percent fewer requests in FY 2013 compared to FY 2012, the response time for simple perfected requests that were closed in FY 2013 decreased to an average of 37 days, with a median of 11 days. Credited for the decrease, many individual Components enjoyed successes in this area in FY 2013:

- Nine of the 15 processing Components had median processing times under 20 days for simple perfected closed requests.
- Six of the 15 processing Components had average processing times under 20 days for simple perfected closed requests.
 - FEMA reduced its median response time for simple perfected requests from 146 days in FY 2012 to 100 days in FY 2013, a 32 percent reduction.
 - As Table 1 below indicates, the DHS Privacy Office, CRCL, OIG, OPS, S&T, TSA, USCG, and USSS had median and average response times for simple perfected closed requests of less than 20 days.

Table 1. Response Time for All Processed Perfected Requests in FY13 as Reported in FY13 Annual Report

Component	Simple			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	129	142.02	1	544
CRCL	6	6.07	1	12
FEMA	100.5	151.37	1	923
FLETC	10	19.26	1	181
I&A	32	30.93	7	49
ICE	45	52.79	1	273
NPPD	35	44.22	1	243
OIG	22	29.22	1	119
OPS	2	2.75	1	13
PRIV	7	16.47	1	149
S&T	5	6.75	1	18
TSA	6	7.4	1	20
USCG	11	10.83	1	20
USCIS	15.76	19.73	1	397
USSS	11	10.79	1	20
AGENCY OVERALL	11	36.71	1	923

- c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

This is not applicable to DHS.

Backlogs and “Ten Oldest” Requests, Appeals and Consultations:

2. Section XII.A of your agency’s Annual FOIA Report, entitled “Backlogs of FOIA Requests and Administrative Appeals” shows the number of any backlogged requests or appeals from the fiscal year. Section VII.E, entitled “Pending Requests – Ten Oldest Pending Requests,” Section VI.C.(5), entitled “Ten Oldest Pending Administrative Appeals,” and Section XII.C., entitled "Consultations on FOIA Requests –Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.

Backlogs

- a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?

As Table 2 below indicates, the DHS backlog increased in FY 2013 by 56 percent. CBP significantly increased its backlog by 255 percent. ICE increased its backlog by 62 percent and NPPD followed with a 35 percent increase in its backlog. USSS and USCIS reduced their backlogs. USCIS reduced its backlog 68 percent in FY 2013 to a total of 3,394 requests by the end of September, which represents the lowest the FOIA backlog has been in USCIS in over five years. CRCL and OPS were able to keep their backlogs at zero.

Table 2. Comparison of Backlogged Requests from Previous and Current Annual Report¹⁹

Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report FY 2013
CBP	10,648	37,848
CRCL	0	0
FEMA	306	496
FLETC	2	1
I&A	3	12
ICE	2,903	4,714
NPPD	2,288	3,099
OIG	11	34

¹⁹ Find the 2013 Annual FOIA Report at <http://www.dhs.gov/publication/fy13-foia-annual-report>.

Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report FY 2013
OPS	0	0
PRIV	23	20
S&T	0	1
TSA	542	546
USCG	782	877
USCIS	10,727	3,394
USSS	778	719
AGENCY OVERALL	29,013	51,761

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?

DHS decreased the appeals backlog in FY 2013 by 35 percent. As Table 3 below indicates, FEMA, OGC, TSA, USCG, and USCIS have reduced their backlogs. CBP was able to keep its appeals backlog at zero.

Table 3. Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report

Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report FY 2013
CBP	0	0
FEMA	60	31
FLETC	0	1
ICE	0	32
OGC	99	13
OIG	13	28
TSA	10	7
USCG	33	29
USCIS	10	3
USSS	0	1
AGENCY OVERALL	225	145

Ten Oldest Requests

- c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?

DHS closed all 10 of the oldest requests in FY 2013, and 87 percent of the 10 oldest requests for each of the Components combined.

Table 4 below shows the 10 oldest requests that were pending for each Component as of the end of FY 2012. DHS has closed an additional 11 of these requests that were open as

of the end of FY 2013. As of the end of January 2014, DHS has now closed 95 percent of the 10 oldest requests for each of the Components combined.

Table 4. Ten Oldest Pending Requests as Reported in the 2012 Annual FOIA Report²⁰

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	2011-10-06	2011-10-06	2011-05-27	2011-05-26	2011-05-26	2011-05-26	2011-05-26	2011-05-25	2011-05-25	2011-05-25
	Number of Days Pending	248	248	341	342	342	342	342	343	343	343
CRCL	Date of Receipt	N/A	2012-09-26	2012-09-18	2012-09-13						
	Number of Days Pending	0	0	0	0	0	0	0	3	9	12
FEMA	Date of Receipt	2010-02-03	2010-01-26	2010-01-20	2010-01-08	2009-11-27	2009-11-12	2009-10-21	2009-10-05	2009-03-06	2007-09-07
	Number of Days Pending	668	674	678	685	713	723	738	749	897	1,269
FLETC	Date of Receipt	2012-09-25	2012-09-21	2012-09-17	2012-09-12	2012-09-11	2012-09-06	2012-09-06	2012-09-06	2012-08-15	2012-07-26
	Number of Days Pending	4	6	10	13	14	17	17	17	32	46
I&A	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-13	2012-08-07	2012-07-24	2012-04-24
	Number of Days Pending	0	0	0	0	0	0	12	38	48	111
ICE	Date of Receipt	2011-11-30	2011-11-29	2011-11-28	2011-11-28	2011-11-28	2011-10-06	2011-10-05	2011-10-05	2011-07-25	2010-11-22
	Number of Days Pending	212	213	214	214	214	248	249	249	301	470
MGMT	Date of Receipt	2012-08-06	2012-07-25	2012-07-23	2012-07-16	2012-07-07	2012-06-01	2012-05-31	2012-05-07	2012-04-27	2012-04-12
	Number of Days Pending	39	47	49	54	59	78	85	102	108	119
NPPD	Date of Receipt	2012-07-09	2012-06-27	2012-05-23	2012-05-22	2012-05-21	2012-05-07	2012-05-07	2012-05-07	2012-04-25	2012-04-12
	Number of Days Pending	59	66	90	91	92	102	102	102	110	119
OGC	Date of Receipt	N/A	N/A	N/A	2012-09-25	2012-09-05	2012-05-09	2011-11-30	2011-11-30	2011-11-30	2011-11-30
	Number of Days Pending	0	0	0	4	18	100	212	212	212	212
OIG	Date of Receipt	2012-07-16	2012-05-21	2012-04-24	2012-04-24	2012-04-23	2012-04-16	2012-04-05	2012-03-23	2012-02-07	2011-12-08
	Number of Days Pending	54	92	111	111	112	117	124	133	165	206
OPS	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PLCY	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PRIV	Date of Receipt	2012-08-22	2012-08-21	2012-08-21	2012-08-21	2012-08-21	2012-08-07	2012-05-18	2012-04-25	2012-03-16	2011-12-13
	Number of Days Pending	27	28	28	28	28	38	93	110	138	203
S&T	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

²⁰ The requests, appeals, and consultations reported in the 2012 FOIA Annual Report that are still pending are highlighted in red in the Ten Oldest Pending Requests (Table 4), Ten Oldest Pending Appeals (Table 5), and Ten Oldest Pending Consultations tables (Table 6).

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
TSA	Date of Receipt	2009-10-26	2009-09-01	2009-07-06	2009-06-10	2009-01-02	2008-12-18	2008-10-29	2008-06-19	2004-11-01	2004-10-27
	Number of Days Pending	735	772	813	830	939	948	982	1,073	1,986	1,989
USCG	Date of Receipt	2009-12-08	2009-12-01	2009-11-30	2009-11-25	2009-11-23	2009-10-01	2009-09-25	2009-07-22	2009-07-21	2009-01-12
	Number of Days Pending	706	711	712	714	716	751	755	801	802	933
USCIS	Date of Receipt	2011-07-07	2011-07-05	2011-06-29	2011-06-17	2011-05-10	2011-05-02	2011-03-09	2011-03-07	2011-03-07	2011-03-03
	Number of Days Pending	313	315	319	327	354	360	398	400	400	402
USSS	Date of Receipt	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17
	Number of Days Pending	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,493
AGENCY OVERALL	Date of Receipt	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2004-11-01	2004-10-27
	Number of Days Pending	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,986	1,989

- d. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2012 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your “ten oldest” in Section VII.E. and you closed two of them, you should note that you closed two out of seven “oldest” requests.

This is not applicable to DHS.

Ten Oldest Appeals

- e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?

As Table 5 below indicates, DHS did not close the 10 oldest administrative appeals pending at the end of FY 2012. DHS was able to close seven of the 10 oldest appeals in FY 2013 and 89 percent of the 10 oldest administrative appeals for all the Components combined.

Table 5. Ten Oldest Pending Appeals as Reported in the 2012 Annual FOIA Report

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
CBP	Date of Receipt	2012-09-18	2012-09-18	2012-09-14	2012-09-12	2012-09-10	2012-09-10	2012-09-10	2012-09-10	2012-09-10	2012-09-06
	Number of Days Pending	9	9	10	13	15	15	15	15	15	17
FLETC	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
ICE	Date of Receipt	2012-09-28	2012-09-15	2012-09-12	2012-09-12	2012-09-11	2012-09-10	2012-09-07	2012-09-06	2012-09-04	2012-09-04
	Number of Days Pending	1	10	13	13	14	15	16	17	19	19
OGC	Date of Receipt	2010-08-27	2010-08-20	2010-08-10	2008-11-13	2008-03-04	2008-02-26	2007-08-10	2007-05-21	2007-05-01	2006-09-20
	Number of Days Pending	528	533	541	972	1,149	1,154	1,288	1,345	1,359	1,511
OIG	Date of Receipt	2012-07-05	2012-07-03	2012-06-28	2012-06-14	2012-05-24	2011-03-09	2010-11-10	2010-09-15	2009-01-14	2008-11-14
	Number of Days Pending	61	62	65	75	89	398	477	516	931	971
TSA	Date of Receipt	2012-09-06	2012-08-07	2012-07-25	2012-07-18	2012-03-27	2012-03-15	2012-02-02	2012-01-30	2012-01-25	2012-01-04
	Number of Days Pending	17	38	47	52	131	139	168	171	174	188
USCG	Date of Receipt	2010-09-17	2010-06-30	2010-06-18	2010-06-10	2010-06-09	2010-05-10	2010-01-25	2009-12-01	2009-11-16	2009-03-10
	Number of Days Pending	514	569	577	583	584	605	675	711	721	895
USCIS	Date of Receipt	2012-09-11	2012-09-10	2012-09-04	2012-09-04	2012-08-30	2012-08-29	2012-08-29	2012-08-29	2012-08-29	2012-08-29
	Number of Days Pending	14	15	19	19	21	22	22	22	22	22
USSS	Date of Receipt	2012-09-27	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-05
	Number of Days Pending	2	5	5	5	5	5	5	5	5	18
AGENCY OVERALL	Date of Receipt	2009-03-10	2009-01-14	2008-11-14	2008-11-13	2008-03-04	2008-02-26	2007-08-10	2007-05-21	2007-05-01	2006-09-20
	Number of Days Pending	895	931	971	972	1,149	1,154	1,288	1,345	1,359	1,511

f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.

As noted in Item E, and as Table 5 above indicates, DHS did not close the 10 oldest administrative appeals pending at the end of FY 2012. DHS was able to close seven of

the 10 oldest appeals in FY 2013, and 86 percent of the 10 oldest administrative appeals for all of the Components combined.

Ten Oldest Consultations

- g. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?

No, DHS did not close the 10 oldest consultations at the end of FY 2012.

- h. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2012 Annual FOIA Report.

DHS closed five of the 10 oldest consultations in FY 2013, and 60 percent of the 10 oldest administrative consults for all the Components combined. Since the beginning of FY 2014, DHS closed an additional four consultations. Table 6 below shows in red which consultations from the Fiscal Year 2012 Annual FOIA Report are open through December 2013.

Table 6. Ten Oldest Pending Consultations as Reported in the 2012 Annual FOIA Report

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5 th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	N/A	N/A	N/A	N/A	N/A	2012-07-19	2012-06-28	2012-05-31	2012-04-10	2012-04-09
	Number of Days Pending	0	0	0	0	0	51	65	85	121	122
CRCL	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
FEMA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2011-08-23	2011-03-27
	Number of Days Pending	0	0	0	0	0	0	0	0	280	385
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
I&A	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-18	2012-08-29	2012-04-03
	Number of Days Pending	0	0	0	0	0	0	0	9	22	126
ICE	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-07	2012-07-30	2012-07-19	2012-05-04
	Number of Days Pending	0	0	0	0	0	0	16	44	51	103
MGMT	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
NPPD	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OGC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5 th	4th	3rd	2nd	Oldest Request
OIG	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OPS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PLCY	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PRIV	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-26	2012-08-16	2011-11-20
	Number of Days Pending	0	0	0	0	0	0	0	3	31	218
S&T	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
TSA	Date of Receipt	2012-07-23	2012-04-10	2012-03-30	2011-09-16	2011-09-16	2011-09-15	2011-04-20	2010-10-28	2010-09-03	2010-06-15
	Number of Days Pending	49	121	128	262	262	263	368	486	523	580
USCG	Date of Receipt	N/A	N/A	N/A	N/A	2012-06-06	2012-05-03	2012-01-26	2011-05-05	2011-03-21	2010-10-05
	Number of Days Pending	0	0	0	0	81	104	173	357	390	502
USCIS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-26	2012-09-24	2012-08-24
	Number of Days Pending	0	0	0	0	0	0	0	3	5	25
USSS	Date of Receipt	N/A	2012-02-08	2012-02-08	2012-01-13	2012-01-13	2011-09-21	2011-05-10	2010-10-08	2010-10-08	2010-10-08
	Number of Days Pending	0	164	164	181	181	259	354	499	499	499
AGENCY OVERALL	Date of Receipt	2011-05-05	2011-03-27	2011-03-21	2010-10-28	2010-10-08	2010-10-08	2010-10-08	2010-10-05	2010-09-03	2010-06-15
	Number of Days Pending	357	385	390	486	499	499	499	502	523	580

Reasons for Any Backlogs:

3. If you answered “no” to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:

Request and/or Appeal Backlog

- a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?

Yes, the amount of requests received by DHS increased from 190,589 in FY 2012 to 231,534 in FY 2013, a 21 percent increase.

CBP, FEMA, and ICE determined that the increase in the number of incoming requests impacted their ability to stop the backlog from growing.

- b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff?

TSA, FEMA, ICE, CBP, NPPD, I&A, and OIG attributed the lack of reduction in the backlog due to a loss of experienced or seasoned FOIA professionals.

- c. Was the lack of a reduction in the request and/or appeal backlog caused by an increase in the complexity of the requests received?

Yes, DHS processed 113,793 complex requests in FY 2013, a two percent increase compared with FY 2012. In addition, DHS processed 143,476 requests with responsive records, a one percent increase compared with FY 2012.

TSA, USCG, FEMA, and ICE attributed the lack of a reduction in the backlog due to an increase in the complexity of the requests received.

- d. What other causes, if any, contributed to the lack of a decrease in the request and/or appeal backlog?

NPPD received substantial FOIA cases in its headquarters, but attributes the lack of a reduction in the backlog due to the increase in volume in OBIM cases.

USCG processors are military personnel, for whom FOIA is a collateral duty secondary to their primary specialty and/or assignment.

ICE indicated the primary causes of the lack of a decrease in the backlog was the combination of these three factors occurring at the same time during this reporting period: (1) staffing levels decreased; (2) workload increased by 300 percent; and (3) budget cuts.

CBP switched its electronic tracking systems twice in an effort to better monitor the workflow of its requests. Each of these changes resulted in delays as request information was migrated into the new systems. The training of FOIA staff for the use of the new systems, as well as new processes for handling the requests also caused a delay. The above factors presented challenges as did the loss of several staff CBP was unable to replace due to budget constraints.

FEMA indicated a large portion of the backlogged requests consists of voluminous records that required more than one analyst to process the file.

“Ten Oldest,” Not Closed

- e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.

The Components faced several obstacles this year in closing the oldest requests, appeals, and consultations from FY 2012, as noted below:

TSA faced the obstacles of the complexity of cases and an internal review process, which includes a mandatory review of proposed released documents by the Office of Sensitive Security Information.

USCG processors are military personnel for whom FOIA is a collateral duty secondary to their primary specialty and/or assignment. These military personnel rotate in and out of these positions on a regular basis impacting continuity of the FOIA process.

USSS indicated the consultations were more complex in nature and contained a large number of pages for review and processing.

FEMA closed 50 percent of the 10 oldest requests that were pending in FY 2012. Four of the five remaining oldest requests are currently being processed or reviewed for legal sufficiency. FEMA noted that the fifth request is voluminous, containing 65 boxes of records. FEMA has contacted the requester in an attempt to narrow the scope of the request.

- f. If your agency was unable to close any of its ten oldest requests or appeals because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

DHS closed all 10 of the agency's oldest 10 FOIA requests pending in FY 2012. DHS closed out seven of the Department's 10 oldest FOIA appeals pending in FY 2012. The three appeals that are currently still open belong to OIG, but are not open due to pending consultations with other agencies.

Plans for Closing of Ten Oldest Pending Requests, Appeals, and Consultations and Reducing Backlogs:

Given the importance of these milestones, it is critical that Chief FOIA Officers assess the causes for not achieving success and create plans to address them.

4. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2014.

DHS Privacy Office and the Components are committed to reducing the backlog, as noted below:

The DHS Privacy Office has a small backlog, especially in light of the Department's considerable workload in this area. The DHS Privacy Office intends to continue to reduce its

backlog, with the ultimate goal to eliminate it entirely. During this reporting period and next year, the DHS Privacy Office will continue to do so through weekly management meetings, managerial oversight of the workload, and considerable executive attention to those requests that require other offices to provide the DHS Privacy Office with responsive materials.

To reduce the existing backlog of initial FOIA requests and outstanding consultations, the DHS Privacy Office leadership will meet weekly to discuss the 10 oldest FOIA requests, appeals, and outstanding consultations, and determine what steps need to be taken to complete the processing of these requests.

On a monthly basis, or as needed, the Senior Director of FOIA Operations, along with senior staff, will review the workload of each analyst to determine whether cases need to be redistributed, and to consider, together with the DCFOIA, the possible reallocation of resources where needed. In addition, on a quarterly basis, the Chief FOIA Officer, together with other senior staff members, will review the existing backlog to determine the number of cases pending for more than the 20 days, as provided by statute.

The Senior Director of FOIA Operations will continue to monitor staffing levels and make recommendations to the DHS Privacy Office leadership to ensure that the number of personnel dedicated to FOIA is adequate to process expected increasing workloads. However, the Department expects that staffing will continue to be a challenge. Thus, it may be increasingly difficult to maintain appropriate staffing levels to fulfill the mission in the manner in which the Department is accustomed.

USCG's Chief Technology Officer sent an e-mail to his colleagues reminding them of the importance of the mandate to eliminate the backlog, which has resulted in a more focused effort to close the 10 oldest requests.

OIG plans to hire additional full-time FOIA staff members to assist in closing its oldest requests and appeals.

USSS reviewed the nature of consultations, staffing composition, and organizational structure, and identified a need for a unit within its program dedicated to handling referrals, consultations, and interagency coordination. USSS anticipates this realignment will address the backlog.

FEMA plans to increase the current staffing level, train regional points of contact, and leverage automation to reduce duplicate data calls to eliminate the backlog.

ICE has been providing substantial interim responses to requesters and will continue to do so to eliminate the backlog.

S&T has one request in the backlog that produced a voluminous amount of records. S&T will continue to provide interim responses as the requester did not wish to narrow the scope of the request.

5. If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency's plan for achieving backlog reduction in the year ahead.

The Components provided the following plans for achieving backlog reduction in the year ahead:

NPPD/OBIM signed a SLA with USCIS National Records Center to process all OBIM/US-VISIT referrals starting in FY 2014.

CBP is implementing several new processes to reduce the FOIA backlog, to include:

- Hiring and training additional FOIA Government Information Specialists;
- Training FOIA staff and field FOIA processors to use the new FOIAonline tracking system;
- Encouraging more law firms to file FOIAs online instead of by mail to reduce administrative processing time;
- Recruiting 26 CBP officers and Border Patrol (BP) agents to assist CBP FOIA HQ with conducting record searches only;
- Recruiting CBP officers and BP agents who are on "light duty" to assist with FOIA processing until they return to duty;
- Using CBP students-in-training to conduct record searches;
- Using 20 summer and winter student interns to assist permanent FOIA staff with FOIA processing;
- Building better relationships and better managing the workload of field employees who process FOIA requests on a regular basis;
- Establishing daily and weekly productivity goals for CBP FOIA staff and field employees;
- Improving in-take processes to check for FOIA duplicates and non-FOIA requests;
- Updating CBP FOIA guidance and quick tip guides to assist HQ and field employees in FOIA processing.

ICE is working to increase its staffing level.

Interim Responses:

OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information.

6. Does your agency have a system in place to provide interim responses to requesters when appropriate?

Yes, DHS and the Components have systems in place to provide interim responses to requesters as appropriate.

The DHS Privacy Office sends interim responses to requesters in accordance with its internal policy provided in the DHS Privacy Office FOIA Standard Operating Procedure: “It is this office’s policy that when working on a request that involves a voluminous amount of material or which involves searches in multiple locations, that whenever feasible, we should provide the requester with interim responses rather than waiting until all records are located and processed. Although there are situations where records need to be reviewed in their totality to ensure proper handling, in other cases rolling releases of records are possible. Whenever such rolling releases are possible we should make them to facilitate access to the requested records.”

OIG, USSS, I&A, and ICE send interim responses to requesters when the records are voluminous and complex and keep the requesters updated with their progress in processing the requested records.

S&T provides interim responses to requesters when applicable. In most cases, interim responses are provided if the request yields an overwhelming volume of records, involves submitter notices, or produces documents requiring the review of other agencies.

7. If your agency had a backlog in Fiscal Year 2013, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Several of the Components issued substantive interim responses for cases in the backlog:

- DHS Privacy Office issued four responses.
- NPPD issued interim responses to slightly more than one percent of the cases in the backlog. The majority of NPPD’s backlog consists of OBIM cases, which, due to their nature, do not allow for interim releases.
- TSA issued interim responses for 35 percent of the cases in the backlog.
- ICE issued interim responses for one percent of the cases in the backlog.

- FEMA issued interim responses for 30 percent of the cases in the backlog.
- USSS issued interim responses for 16 cases in the backlog.
- S&T issued interim responses for one case in the backlog.
- USCG, USCIS, and CBP issued interim responses for cases in the backlog, but did not track this information.
- OIG issued interim responses for the majority of cases in the backlog, but did not track this information.

III. Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions that authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2013?

I&A was the only Component to use the FOIA law enforcement exclusions.

2. If so, what was the total number of times exclusions were invoked?

I&A used the exclusions two times.

IV. Spotlight on Success

Of all the activities undertaken by your agency since March 2013 to increase transparency and improve FOIA administration, briefly describe at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas.

As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success stories, and limit their text to a half page. The success story is designed to be a quick summary of a key achievement. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- USCIS reduced its backlog by 68 percent in FY 2013, to a total of 3,394 requests, achieving the lowest backlog in over five years by adding additional resources, implementing process improvements identified by several outside reviews, authorizing additional overtime work, recognizing top performers through an awards program, and further expanding its telework program to take advantage of opportunities for increased productivity.
- The TSA FOIA Branch hosted the first Sunshine Week, which included a brochure and handouts, guest speaker sessions, FOIA Awareness Day in the Café, FOIA tip-of-the-day announcements in building lobbies, and the FOIA Operations Manager article featured on the Internal (I-Share) site regarding "What I do Matters." Sunshine Week was the first in a series of activities designed to help TSA employees better understand the FOIA, the importance of transparent operations, and their role in supporting and promoting transparency
- To promote efficiency, ICE implemented a new procedure for handling misdirected FOIA requests for the content of an individual's A-File. Instead of logging every request into ICE's system and then referring the request to USCIS individually, ICE now reroutes those requests to USCIS daily in bulk, and sends a postcard to the requester indicating the request has been rerouted. For requesters that continuously send ICE misdirected A-File requests, ICE contacts them personally and informs them of the fastest way to get the records. This new procedure has decreased the amount of time it takes for requests to arrive to USCIS and provides a quicker response to the requester.
- DHS and the Components using the COTS web application experienced a significant cost savings compared to what they were spending for their own internal legacy technical mechanisms. The DHS Privacy Office and ICE reaped mutual benefits. By using the interoperability of the application, the DHS Privacy Office assisted ICE with processing requests without the need to detail employees to an ICE location. DHS Privacy Office employees remained at their normal duty station and processed cases on behalf of ICE. Additionally, after using the application and experiencing the benefits, ICE determined that it could cut its technical FOIA-related expenses in roughly half, if not more, compared to the expenses of its in-house technical solutions.

APPENDIX A: Composition of the Department of Homeland Security

The Office of the Secretary oversees Department of Homeland Security (DHS) efforts to counter terrorism and enhance security, secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws, safeguard and secure cyberspace, build resilience to disasters, and provide essential support for national and economic security - in coordination with federal, state, local, international, tribal, and private sector partners.

Offices:

Office of the Chief Human Capital Officer (CHCO) attracts, develops, and retains a talented and diverse workforce for the Department.

Citizenship and Immigration Services Ombudsman (CISOMB) assists individuals and employers with problems with United States Citizenship and Immigration Services to improve the delivery of immigration services.

Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the Nation while preserving individual liberty, fairness, and equality under the law.

Domestic Nuclear Detection Office (DNDO) works to enhance the nuclear detection efforts of federal, state, territorial, tribal, and local governments, and the private sector and to ensure a coordinated response to such threats.

Office of the Executive Secretariat (ESEC) assures the accurate and timely dissemination of information and written communications from throughout the Department and our homeland security partners to and from the Secretary and Deputy Secretary.

Office of Intelligence and Analysis (I&A) equips the Homeland Security Enterprise with the information and intelligence it needs to keep the United States safe, secure, and resilient.

Office of Intergovernmental Affairs (IGA) promotes an integrated national approach to homeland security by ensuring, coordinating, and advancing federal interaction with state, local, tribal, and territorial governments.

Military Advisor's Office advises on facilitating, coordinating, and executing policy, procedures, preparedness activities, and operations between the Department and the Department of Defense.

Office of Biometric Identity Management (OBIM) was designated the lead entity within the Department for biometric identity management services on March 26, 2013, through the *Consolidated and Further Continuing Appropriations Act, 2013*. OBIM serves the Federal Government, state, local, and tribal law enforcement, the intelligence community, and foreign partners by storing, matching, and analyzing biometric data, linked to biographic information.

OBIM provides homeland security decision makers with person-centric, actionable information on immigration violators, criminals, and known or suspected terrorists.

Office of the General Counsel (OGC) integrates approximately 1700 lawyers from throughout the Department comprised of a headquarters office with subsidiary divisions and the legal programs for eight Department components.

Office of Health Affairs (OHA) coordinates all medical activities of the Department of Homeland Security to ensure appropriate preparation for and response to incidents having medical significance.

Office of Inspector General (OIG) conducts independent and objective inspections, audits, and investigations to provide oversight and promote excellence, integrity, and accountability in DHS programs and operations.

Office of Legislative Affairs (OLA) serves as primary liaison to members of Congress and their staffs.

Office of Public Affairs (OPA) coordinates the public affairs activities of all of the Department's components and offices.

Office of Operations Coordination and Planning (OPS) provides decision support and enables the execution of Homeland Security responsibilities across the enterprise; promotes situational awareness and information sharing; integrates and synchronizes strategic operations and planning; and administers the DHS continuity program.

Office of Policy (PLCY) develops Department-wide policies, programs, and planning to promote and ensure quality, consistency, and integration across all homeland security missions.

Privacy Office (DHS Privacy Office or PRIV) works to preserve and enhance privacy protections for all individuals and to promote transparency of Department operations.

United States Visitor and Immigration Status Indicator Technology (US-VISIT) see Office of Biometric Identity Management (OBIM) above which assumed the responsibility of US-VISIT.

DHS Components and Directorates:

United States Customs and Border Protection (CBP) is responsible for securing the border against all transnational threats and facilitating trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws.

Federal Emergency Management Agency (FEMA) supports our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

Federal Law Enforcement Training Centers' (FLETC) mission is to “Train those who protect our homeland.” FLETC serves as an interagency law enforcement training organization for 91 federal agencies or Partner Organizations. FLETC also provides training to state, local, rural, tribal, territorial, and international law enforcement agencies.

United States Immigration and Customs Enforcement (ICE) promotes homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration.

Management Directorate (MGMT) provides Department-wide leadership and direction on the full spectrum of management issues. These efforts include integrating common operating standards; managing the Department’s delegations and directives; leading investment and portfolio management; and administering six functional lines of business, which are financial management, human resources, facilities and logistics, information technology, security, and procurement.

National Protection and Programs Directorate (NPPD) leads the national effort to protect and enhance the resilience of the Nation’s physical and cyber infrastructure.

Science and Technology Directorate (S&T) is the primary research and development arm of the Department. It provides federal, state, and local officials with the technology and capabilities to protect the homeland.

Transportation Security Administration (TSA) protects the nation's transportation systems to ensure secure freedom of movement for people and commerce.

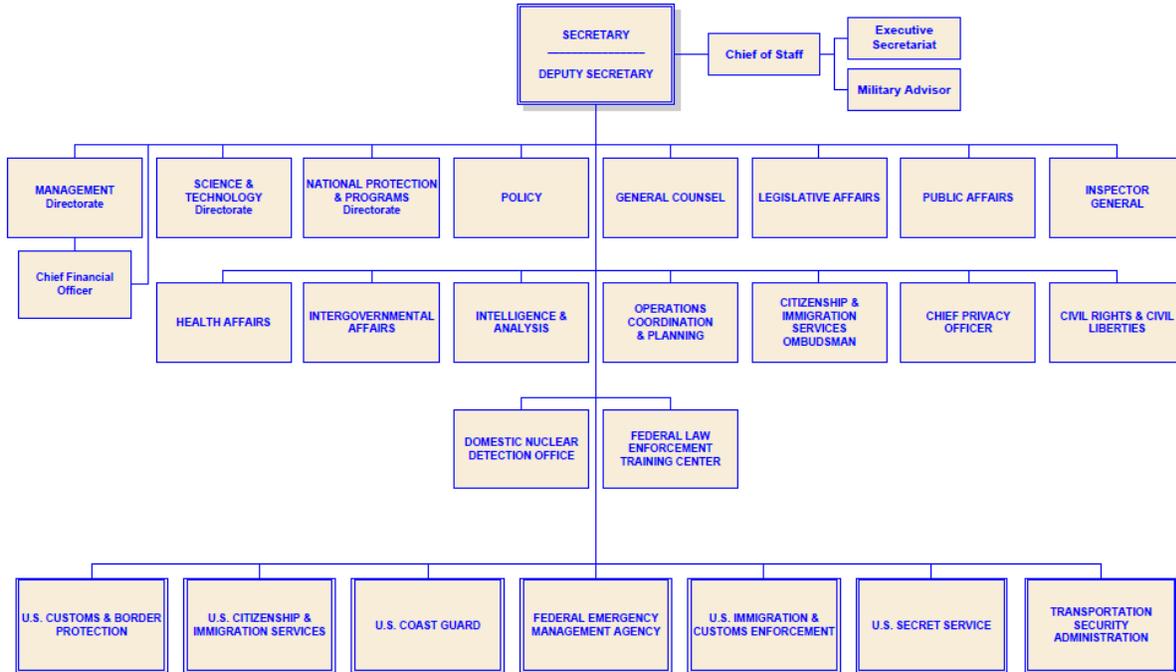
United States Coast Guard (USCG) is one of the five armed forces of the United States and the only military organization within the Department of Homeland Security. The Coast Guard protects the maritime economy and the environment, defends our maritime borders, and saves those in peril.

United States Citizenship and Immigration Services (USCIS) grants immigration and citizenship benefits, promotes awareness and understanding of citizenship, and ensures the integrity of our immigration system.

United States Secret Service (USSS) safeguards the nation's financial infrastructure and payment systems to preserve the integrity of the economy, and protects national leaders, visiting heads of state and government, designated sites, and National Special Security Events.

APPENDIX B: DHS Organizational Chart

U.S. DEPARTMENT OF HOMELAND SECURITY



APPENDIX C: Names, Addresses, and Contact Information for DHS FOIA Officers

Department of Homeland Security Chief FOIA Officer

Karen L. Neuman
Chief FOIA Officer
Privacy Office
U.S. Department of Homeland Security
245 Murray Lane, SW, Mail Stop 0655
Washington, DC 20528-0655

Delores J. Barber
Deputy Chief FOIA Officer
Privacy Office
U.S. Department of Homeland Security
245 Murray Lane, SW, Mail Stop 0655
Washington, DC 20528-0655

Department of Homeland Security Component FOIA Officers

Privacy Office
Dr. James V.M.L. Holzer
Senior Director, FOIA Operations
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Washington, DC 20528-0655

Privacy Office
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U.S. Department of Homeland Security
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Washington, DC 20528-0655

U.S. Coast Guard
Gaston Brewer
Ph: 202-475-3525; Fax: 202-475-3927
Commandant (CG-611)
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Stop 7710
Washington, DC 20593-0001

U.S. Citizenship and Immigration Services
Jill Eggleston
Ph: 816-350-5521; Fax: 816-350-1793
National Records Center, FOIA/PA Office
P. O. Box 648010
Lee's Summit, MO 64064-8010

U.S. Customs and Border Protection
Sabrina Burroughs
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FOIA Division
90 K Street NE, 9th Floor
Washington, DC 20229-1181

Office for Civil Rights and Civil Liberties
Aeron Pineiro, Acting
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DHS-CRCL-FOIA
U.S. Department of Homeland Security
245 Murray Lane, SW, Bldg. 410,
Mail Stop 0190
Washington, DC 20528-0190

Federal Emergency Management Agency
Terry Cochran
Ph: 202-646-3323; Fax: 202-646-3347
Disclosure Branch
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Arlington, Virginia 20598-3005

Federal Law Enforcement Training Centers
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Glynco, GA 31524

U.S. Immigration and Customs Enforcement
Catrina Pavlik-Keenan
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Office of Inspector General
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Office of Intelligence and Analysis
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National Protection and Programs
Directorate
Sandy Ford Page
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U.S. Department of Homeland Security
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Office of Operations Coordination and
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Michael Page
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U.S. Department of Homeland Security
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Science and Technology Directorate
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United States Secret Service
Latita Payne
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Washington, DC 20223

Transportation Security Administration
Yvonne Coates
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601 S. 12th Street, TSA-20
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Arlington, VA 20598-6020

APPENDIX D: Acronyms, Definitions, and Exemptions

1. Agency-specific acronyms or other terms

a.	CBP	United States Customs and Border Protection
b.	CFO	Chief Financial Officer
c.	CHCO	Office of the Chief Human Capital Officer
d.	CISOMB	Citizenship and Immigration Services Ombudsman
e.	CRCL	Office for Civil Rights and Civil Liberties
f.	DNDO	Domestic Nuclear Detection Office
g.	ESEC	Office of the Executive Secretary
h.	FEMA	Federal Emergency Management Agency
i.	FLETC	Federal Law Enforcement Training Centers
j.	I&A	Office of Intelligence and Analysis
k.	IGA	Office of Intergovernmental Affairs
l.	ICE	United States Immigration and Customs Enforcement
m.	MGMT	Management Directorate
n.	NCSC	National Cyber Security Center
o.	NPPD	National Protection and Programs Directorate
p.	OBIM	Office of Biometric Identity Management
q.	OGC	Office of the General Counsel
r.	OHA	Office of Health Affairs
s.	OIG	Office of Inspector General
t.	OLA	Office of Legislative Affairs
u.	OPA	Office of Public Affairs
v.	OPS	Office of Operations Coordination and Planning
w.	PLCY	Office of Policy
x.	PRIV	Privacy Office
y.	S&T	Science and Technology Directorate
z.	TSA	Transportation Security Administration
aa.	USCG	United States Coast Guard
bb.	USCIS	United States Citizenship and Immigration Services
cc.	USSS	United States Secret Service
dd.	US-VISIT	United States Visitor and Immigrant Status Indicator Technology

2. Definition of terms, expressed in common terminology

- a. **Administrative Appeal** – A request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.

- b. **Average Number** – The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8, determined by dividing 24 by 3.
- c. **Backlog** – The number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – For agencies that process requests on a decentralized basis, a “Component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in the 2012 FOIA Annual Report data for both the agency overall and for each principal Component of the agency.
- e. **Consultation** – The procedure whereby the agency responding to a FOIA requests first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it provides its views on the record to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – A federal statute other than FOIA that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – A FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), an organization, or a particular topic of interest. Moreover, because requesters covered by the Privacy Act who seek records concerning themselves (i.e., “first-party” requesters) are afforded the benefit of the access provisions of both FOIA and the Privacy Act, the term “FOIA request” also includes any such “first-party” requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where the agency applies a Privacy Act exemption and therefore looks to FOIA to afford the greatest possible access. DHS applies this same interpretation of the term “FOIA request” even to “first-party” requests from persons not covered by the Privacy Act, e.g., non-U.S. citizens, because DHS by policy provides such persons the ability to access their own records in DHS’ Privacy Act “mixed systems of records” as if they are subject to the Privacy Act’s access provisions, and DHS processes the requests under FOIA as well. Thus, all requests that require DHS to utilize FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency.

(Consultations are reported separately in Section XII of the 2012 FOIA Annual Report.)

- h. **Full Grant** – An agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – An agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** – A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 - i. **Expedited Processing** – An agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. **Simple Request** – A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
 - iii. **Complex Request** – A FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – An agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – A request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfect Request** – A request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – A request or administrative appeal for which an agency has taken final action in all respects.

- p. **Range in Number of Days** – The lowest and highest number of days to process requests or administrative appeals
- q. **Time Limits** – The time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a perfected FOIA request).

3. Concise descriptions of FOIA exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information
- b. **Exemption 2:** internal agency rules and practices (personnel)
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
- d. **Exemption 4:** trade secrets and other confidential business information
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges.
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells