



# Department of Homeland Security

## 2022 Chief Freedom of Information Act Officer Report

*March 2022*



Homeland  
Security

---

<sup>1</sup> 5 U.S.C. § 552.

## **Executive Summary**

The Department of Homeland Security (DHS) Freedom of Information Act (FOIA) program is the largest in the Federal Government. In Fiscal Year (FY) 2021, DHS set new records for the number of requests received and processed, and ended the reporting period with the lowest backlog in almost a decade.

The DHS Privacy Office, led by the Chief Privacy Officer (who is also the Chief FOIA Officer), is responsible for FOIA policy, program oversight, training, and the efficacy of the DHS FOIA program. The DHS Privacy Office leadership meets regularly with DHS leadership to provide progress updates toward meeting the Department's FOIA performance goals. These goals are geared towards assisting Components to increase responsiveness, promote transparency, decrease the size and age of the backlog, and identify potential resource gaps.

Since publication of the 2020-2023 Departmental FOIA Backlog Reduction Plan, DHS has made tremendous progress modernizing business operations and improving FOIA programs and service to the public and the Department. This report documents recent efforts by the Privacy Office to invest in technology tools that meet the Department's complex FOIA processing needs and expand training opportunities for DHS FOIA professionals.

Please direct inquiries about this report to the DHS Privacy Office at [foia@dhs.gov](mailto:foia@dhs.gov). This report and other information about the DHS Privacy Office are available on our website at [www.dhs.gov/FOIA](http://www.dhs.gov/FOIA).

# Table of Contents

<b>Executive Summary .....</b>	<b>1</b>
<b>I. Promoting Openness and Efficiency: Addressing Key Areas of Interest to the Department of Justice.....</b>	<b>3</b>
A. <i>Steps Taken to Apply the Presumption of Openness.....</i>	3
B. <i>Steps Taken to Ensure DHS Has an Effective System in Place for Responding to Requests</i> <i>12</i>	
C. <i>Steps Taken to Increase Proactive Disclosures .....</i>	18
D. <i>Steps Taken to Greater Use Technology.....</i>	21
E. <i>Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing</i> <i>Backlogs.....</i>	26
<b>II. Spotlight on Success.....</b>	<b>39</b>
<b>APPENDIX A: Composition of the Department of Homeland Security .....</b>	<b>41</b>
<b>APPENDIX B: DHS Organizational Chart.....</b>	<b>44</b>
<b>APPENDIX C: Acronyms, Definitions, and Exemptions.....</b>	<b>44</b>

# **I. Promoting Openness and Efficiency: Addressing Key Areas of Interest to the Department of Justice**

## ***A. Steps Taken to Apply the Presumption of Openness***

The presumption of openness is the guiding principle underlying the Department of Justice's (DOJ) Freedom of Information Act (FOIA) guidelines.

Please answer the following questions to describe the steps your agency has taken to ensure it is applying the presumption of openness to all decisions involving FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

### ***FOIA Leadership***

**1. FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the assistant-secretary level or equivalent. Is your agency's Chief FOIA Officer at this level?**

Yes.

**2. Please provide the name and title of your agency's Chief FOIA Officer.**

Lynn Parker Dupree, Chief Privacy Officer and Chief FOIA Officer.

### ***FOIA Training***

**3. FOIA directs chief FOIA officers to ensure FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has taken to ensure FOIA training is made available and that agency personnel adhere to it.**

The Privacy Office continues to build on our FOIA training program and to expand opportunities for agency FOIA professionals to access training. As described in the 2020-2023 Departmental FOIA Backlog Reduction Plan, investing in DHS FOIA professionals is a cornerstone of our long-term strategy for improving the strength of our FOIA program and reducing backlog.

This year the Privacy Office launched a new FOIA training series, "FOIA's Nine on the 9<sup>th</sup>." The training series provides an opportunity for FOIA professionals across DHS to participate in a virtual hour-long training session on targeted privacy and disclosure issues. FOIA professionals from every DHS Component participate in the series, and each session draws a live audience of about 100 individuals. Sessions are generally recorded and a video link is available on the DHS FOIA Employee Resources page in DHSCconnect, the Department's intranet site.

The Privacy Office chooses training series topics based on observations of common issues, requester feedback, and discussions with FOIA professionals. The Privacy Office also works with Component FOIA Officers to identify individuals to lead training sessions – this helps ensure our training reflects the views and operations of all DHS Components. Topics covered during these sessions include: Intake Considerations (1<sup>st</sup> Party Requests/3<sup>rd</sup> Party Requests, Expedited Processing, Fee Waivers, and Fee Categories), Confidentiality Provisions for Certain Vulnerable Immigrants and Long-term Residents (Section 1367), Exemption 3, FOIA and Privacy Act Interface, Exemption 7, Exemption 5, and Exemption 4. The series has also included an “Ask the Requester” session.

The Privacy Office continued to host the Sunshine Week Training Summit in 2021. About 500 employees from DHS and the Department of the Treasury participated in a day-long virtual training program. This year’s Summit included training sessions on: Strategies for Handling an “Any and All” Request; Emerging Technologies and FOIA Best Practices; Building a Career in FOIA; and Handling FOIA Litigation. Additionally, the Summit featured a keynote address by Jason Leopold, a Senior Investigative Reporter with BuzzFeed News and an “Ask the Requester” session. The day ended with the presentation of DHS’s FOIA Awards, which recognize exceptional FOIA professionals. The 2021 FOIA Awards Program also included recognition of an individual or program that provided exceptional support to the DHS FOIA program.

**4. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as what the Department of Justice (DOJ) provided?**

Yes. In addition to the high-quality training provided for DHS FOIA professionals described above, the Privacy Office also requires Components to report the percentage of FOIA staff who completed DOJ FOIA training for FOIA professionals’ online module in monthly oversight reports.

**5. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.**

All Components had FOIA employees attend sessions of the FOIA’s Nine on the 9<sup>th</sup> Training Series. Components provided the following additional responses:

*United States Customs and Border Protection (CBP):*

- Conducted CBP Annual FOIA training for FOIA professionals, including an overview of the FOIA, exemptions and proper application, fee waiver determinations, fee categories, and requests for expedited treatment.
- Attended CBP Privacy Office training on the Privacy Act for FOIA professionals.
- Provided FOIA professionals within the CBP FOIA office training, some of these trainings were also provided to Temporary Duty staff assisting the FOIA office.
- Conducted numerous internal trainings for non-FOIA professionals. Internal training covered the search and retrieval process, training in use of the FOIA Online system, and training in redacting certain non-traveler requests.

- Attended DOJ training on all FOIA Exemptions.

*Federal Emergency Management Agency (FEMA):*

- Developed a training session focusing on roles and responsibilities of staff members involved in the FOIA process. Instead of a general overview of the process, content focuses on providing staff with the guidance needed to ensure that (1) requirements for a proper search are met, and (2) information needed by the FOIA Office to make determinations on requests are identified. Prior to each session, the FOIA office coordinated with a program point of contact to identify aspects of the FOIA process to emphasize to their staff. This resulted in each session being tailored for each specific component.

*Federal Law Enforcement Training Centers (FLETC):*

- Attended the American Society of Access Professional (ASAP) annual training, Freedom of Information Act (FOIA)/Privacy Act Training.

*Office of Intelligence and Analysis (I&A):*

- Participated in the DOJ Advanced Freedom of Information Act Seminar.
- Participated in informal training sessions with the Privacy Office on FOIAXpress and with the Office of General Counsel (OGC) Information Law Division (ILD) on applying FOIA Exemptions 3 and 7.

*U.S. Immigration and Customs Enforcement (ICE):*

- Conducted FOIA training during new employee orientations and refresher training for staff. Training covered topics regarding a basic understanding of FOIA procedural requirements and its exemptions.

*Office of the Inspector General (OIG):*

- Attended internal DHS training and external seminars addressing full spectrum FOIA Exemptions including but not limited to application of exemptions and case law; specific topics included decisional/deliberative process privileged, use of Exemptions 6 and 7, etc.

*Privacy Office:*

- Participated in training conducted by USCIS for A-file records and CBP for traveler records to temporarily assist in processing records under the FOIA.
- Attended the American Society of Access Professionals (ASAP) National Training Conference.

*United States Citizenship and Immigration Services (USCIS):*

- Attended both classroom- and virtual-style training conducted by in-house trainers. Topics included the following:
  - Significant Interest Group (SIG) Team Training:
    - EB5 A-file training;
    - Types of SIG requests and lifecycle of a FOIA request;

- Properly presented FOIA requests and FOIA acknowledgment requirements;
- Treatment of referrals and consults;
- Principles of negation of FOIA requests;
- Complex and simple staff for records responsive to FOIA requests;
- Application of exemption 5 and foreseeable harm considerations;
- Appeal of FOIA requests;
- Litigation related issues associated with FOIA requests;
- Proper maintenance of the FOIA case file; and
- eDiscovery software training.
- A-File Operations training:
  - Processing Refresher training;
  - New processor training;
  - RAIO Approver training;
  - CBP/ICE document training;
  - VOI/Consent/Status;
  - Case Create training;
  - Track 1 training;
  - Local Law Enforcement Documents – Monthly Refresher;
  - Processing a Deceased Person’s File – Monthly Refresher;
  - New ICE Processing Policy;
  - ICE Refresher;
  - TECS Training;
  - Policy Update Training;
  - ICE Bond Documents;
  - Misc. Policy Items;
  - IJ Orders – Monthly Refresher;
  - FIRST/RAILS Interface;
  - Misfiled Documents – Monthly Processing Refresher;
  - Case Create Training;
  - FAL Inserts – Monthly Processing Refresher; and
  - I-213 – Monthly Processing Refresher.

*Transportation Security Administration (TSA):*

- Conducted FOIA training for newly appointed FOIA points of contact. Topics included basic understanding of FOIA procedural requirements, conducting a search for records, completing the tasking sheet, and fees. Completed DHS Sunshine Week training.
- Briefed TSA leadership concerning the FOIA process and requirements.

*U.S. Coast Guard (USCG):*

- The Coast Guard Office of Intelligence Law conducted the following training:
  - FOIA Procedure Training
  - Intersection of the FOIA and the Privacy Act

- The Coast Guard Legal Services Command (LSC) also provided FOIA training on the application on exemptions and processing requirements to several units and offices.

*United States Secret Service (USSS):*

- Attended the following courses: PALMS: FOIA training for federal employees and FOIA training for professionals.
- DOJ/Office of Information Policy virtual training: Exemption 4 &5 workshop.

**6. Provide an estimate of the percentage your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.**

Virtually all DHS FOIA professionals completed DOJ FOIA, Training for FOIA Professionals, a module in the Learning Management System.

The table below outlines the progress percentage of agencies that completed FOIA training during this reporting period.

Component	Completion Percentage
CBP	100%
FEMA	90%
FLETC	100%
I&A	100%
ICE	100%
OIG	100%
PRIV	100%
USCG	45%
USCIS	100%
TSA	100%
USSS	100%

**7. OIP directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80 percent of your FOIA professionals attended training, please explain your agency’s plan to ensure all FOIA professionals receive or attend substantive FOIA training during the next reporting year.**

Components that reported less than 80 percent provided the following responses:

*USCG:*

- Network security protocols occasionally prevented Coast Guard FOIA staff from connecting to certain websites hosting training events. However, training materials, such as recorded training sessions, were added to the Coast Guard’s internal FOIA page for Programmatic use.



**8. Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?**

CBP, ICE, OIG, PRIV, TSA, and USCG reported that FOIA employees attended training in federal records management. CBP also provided details below regarding its federal records management training program.

*CBP:*

- Our FOIA Office Records Management POC provides yearly updates for CBP's 2021 File Plan Review to verify we are creating and/or adding new records based on the records series. We also reviewed our business processes to ensure it is not affecting the retention periods for any of the records series.

*USCIS*

- All USCIS employees are required to take an annual training course titled Records Management for Everyone.

***Outreach***

**9. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.**

The Privacy Office made it a priority to engage the requester community and open government groups. The Sunshine Week Training Summit and the FOIA's Nine on the 9<sup>th</sup> training series included a panel discussion with FOIA requesters. These sessions provided insight into requesters' points-of-view and encouraged understanding between requesters and FOIA professionals. The Privacy Office also made its FOIA Public Liaison available to requesters who have questions or concerns with Component FOIA offices. The Privacy Office FOIA Public Liaison reached out to the Component on the requester's behalf or mediated a discussion between requesters and Components. Additionally, the Privacy Office engaged with the FOIA Advisory Committee, which brings together requesters and government officials, to discuss the unique characteristics of A-Files and methods to improve processing of requests for these records.

Components provided the following responses:

*CBP:*

- Provided a phone number and the Public Liaison email address on all letters advising of the main FOIA number. This number and email provide high-level status requests, and when necessary, provide redress to issues not covered by FOIA appeals. Our staff reached out to requesters when a request was voluminous or not clear and asking requesters to narrow the scope.

*FEMA:*

- The FEMA FOIA Branch Chief participated in a panel on responding to the COVID-19 pandemic at this year's ASAP conference.

*I&A:*

- Emails requestors regarding scoping the request, clarification on time frame and topic.

*ICE:*

- ICE actively reached out to requestors to obtain clarification on the scope of their requests.

*OIG:*

- DHS OIG FOIA has not engaged any overarching outreach with the requestor community. However, DHS OIG FOIA professionals routinely communicate with individual FOIA requestors to ensure the highest levels of customer service.

*TSA:*

- FOIA Staff contacted FOIA requestors for clarification and to discuss the scope of requests and provide status updates to requestors. The office also follows up with requestors on backlogged requests and works with them to narrow the scope for overly broad requests.

*USCIS:*

- The USCIS FOIA Significant Interest Group reached out to FOIA requestors to clarify and discuss the scope of requests and provide status updates, thereby promoting openness and confidence within the requester community. The Significant Interest Group also worked with requestors to help them understand the types of records maintained by USCIS and how requests may be narrowed to ensure accurate and efficient retrieval of records.

*USCG:*

- The Coast Guard regularly communicated with requestors to provide assistance with the crafting of their requests, providing insight on how the Coast Guard FOIA process works for our agency, and answering questions concerning their requests. The Coast Guard also contacts requestors to negotiate the terms of release for complex requests.

*USSS:*

- Yes, FOIA professionals communicated with requestors on a regular basis to discuss their FOIA requests and options to narrow the request or agree to interim responses. This engagement has helped reduce the number of appeals and help requestors better understand FOIA and reduce unnecessary work for the FOIA staff.

## *Other Initiatives*

### **10. Describe any efforts your agency has taken to inform non-FOIA professionals of their obligations under FOIA.**

The Privacy Office promoted employee understanding of FOIA through the Department's intranet site, DHSCConnect. In 2021 the Privacy Office redesigned the FOIA page on DHSCConnect to improve its readability and usefulness for employees. The Privacy Office also posted a message from the Chief FOIA Officer for all employees on DHSCConnect recognizing Sunshine Week.

The Privacy Office provided FOIA training during the bi-weekly new-employee orientation. Additionally, the Chief FOIA Officer held bi-weekly FOIA training sessions for all new political appointees, and the Privacy Office provides training on-demand for HQ-level offices. The Privacy Office's employee FOIA training is designed to help employees understand how their records, including email, will be collected and processed in response to a FOIA request.

Components provided the following responses:

#### *CBP:*

- Conducted internal trainings that covered the search and retrieval process, training in use of the FOIA Online system, and training in the redacting of certain non-traveler requests. This training is a PowerPoint document presented in Teams and WebEx platforms. CBP FOIA senior leadership received a briefing on the agency's FOIA resources, obligations, and expectations during the FOIA process.

#### *FEMA:*

- Conducted quarterly meetings with the Agency's FOIA community to provide guidance on the process, circulating monthly emails with additional guidance and briefing various senior leadership on aspects of the FOIA process.

#### *FLETC:*

- Shared knowledge with non-FOIA professionals in the process of collaborating to respond to requests.

#### *ICE:*

- Held training sessions for program offices that conduct record searches. This training provided an overview of the FOIA process and requirements for conducting a proper search for records.

#### *OIG:*

- Conducted training for over 100 senior leaders/managers/supervisors. Senior Leaders are also regularly briefed on FOIA resources, obligations, and expectations during the FOIA

process. Additionally, OIG regularly schedules quarterly FOIA training through “lunch and learns.”

*TSA:*

- Conducted Annual FOIA POC training and provided “make-up” sessions throughout the year. In addition, the training presentation is available on an internal i-Share page for FOIA POCs to reference as needed. Also, conducted FOIA training upon request from airports and program offices regarding the FOIA process. The FOIA Officer briefed senior leaders on a weekly and monthly basis regarding expectations to process and close FOIA requests in the mandated 20-day timeframe, closing the ten oldest FOIA requests, appeals, and consults as mandated by DHS in addition to reducing the backlog.

*USCG:*

- Provided FOIA training to all new employees during their orientation period. Employees are notified of the importance of the Act, time frames, best practices, and where to find assistance.

*USCIS:*

- The USCIS FOIA team provided training and information to agency personnel who assist in locating responsive records. In addition, the team conducted a presentation on FOIA obligations to asylum and refugee officers at USCIS headquarters.

*USSS:*

- Conducted training for all personnel GS 15 and above outlining FOIA procedures and how FOIA is an agency issue. The FOIA Officer recorded an informational video (FOIA: What it is and how it affects you) for all USSS personnel to view. FOIA professionals also conducted training for new program office staff who assist in searching for records and review of records.

**11. Optional -- If there are any other initiatives undertaken by your agency to ensure it is applying the presumption of openness, please describe them here.**

Components provided the following responses:

*FEMA:*

- The OpenFEMA Database on FEMA’s website continued to expand this year to include data specific to the Agency’s response to both the COVID-19 pandemic and vaccination efforts.

*ICE:*

- ICE actively processed records for posting to the public reading room. For example, ICE posted Prison Rape Elimination Act (PREA) reports and detention center contracts plus their Inter-Governmental Service Agreements (IGSAs) this fiscal year.

USCG:

- During new employee orientation training sessions, the presumption of openness is stressed to ensure new employees are aware of its importance.

### ***B. Steps Taken to Ensure DHS Has an Effective System in Place for Responding to Requests***

The DOJ's FOIA Guidelines emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure the management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

**1. For Fiscal Year 2021, what was the average number of days your agency reported adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2021 Annual FOIA Report.**

Nine days.

**2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2021 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

N/A

**3. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?**

Yes, as required by the FOIA Improvement Act, the Privacy Office published updated FOIA regulations on November 22, 2016.

**4. Standard Operating Procedures (SOPs): Having SOPs can improve the consistency and quality of an agency's FOIA process. In addition, describing an agency's standard practices for handling FOIA requests on agency FOIA websites can help requesters better understand how their request will be handled. Does your agency have up-to-date internal SOPs for your FOIA administration?**

The following Components Reported having SOPs: CBP, FEMA, I&A, ICE, OIG, PRIV, USCIS and USSS.

**5. If not, please provide a timeline for when your agency plans to develop or update its SOPs.**

Remaining components expect to have updated SOPs in place before the end of 2022.

**6. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?**

Several DHS components established a means of access to first-party requested records outside of the FOIA process, including CBP, FEMA, FLETC, OIG and USCIS.

**7. If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.**

A significant number of DHS FOIA requests involve records that are in a person's A-File. The Privacy Office detailed challenges with granting first-party requesters access to A-Files outside of FOIA during a December meeting of the Federal FOIA Advisory Committee. The Privacy Office engaged in follow-up discussions with the working group addressing first-party requests and will continue to work to improve access to these records.

Components provided the following responses:

*CBP:*

- Provided nonimmigrant U.S. visitors five years of arrival and departure information available for download on the I-94 site.

*FEMA:*

- Provided records directly from the program that originated the records.

*FLETC:*

- Provided transcripts through the [FLETC Website](#).

*ICE:*

- Providing alternative means of access to first-party requesters is complicated at ICE as well due to the law enforcement sensitive information and third party personally identifiable information (PII) contained in the documents for first-party requesters. ICE will continue to look into whether there are alternate means of releasing these directly.

*OIG:*

- Provided access through civil discovery, administrative/employment process, etc.

*USCG:*

- Providing alternative means of access to first-party requesters is complicated by the law enforcement duties of the Coast Guard. Requested records are frequently processed under FOIA policy due to the law enforcement nature of the responsive records. Additionally, the inclusion of third-party personally identifiable information (PII) may also exempt many first-party records requests from being processed outside of FOIA.

*USCIS:*

- FOIA requests received by USCIS are filed by individuals seeking access to their own immigration files. As USCIS moves to the electronic filing of immigration forms, submitters will have access to all applications, petitions, and supporting documents provided to the agency through a “*my.USCIS*” account.

**8. Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing, and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.**

The Privacy Office maintained a robust oversight program of FOIA administration across the Department. In addition to issuing weekly reports on significant requests received and significant releases, the Privacy Office compiled and analyzed key FOIA administration statistics monthly. The DHS Monthly FOIA Report tracked the number of requests received and closed, changes in backlog, the age of all open requests, status of the ten oldest requests from the previous Annual Report, number of pages reviewed and released, percentage of employees who completed mandatory FOIA training, and information about appeals and litigation. The Privacy Office used these reports to identify and address emerging issues at Components like insufficient staff to handle an unexpected surge in requests or the loss of contract support. The Privacy Office also used data from the DHS FOIA Monthly Report to create a one-pager that assesses Component performance against the Department’s FOIA performance metrics. The one-pager was shared with Department Chiefs of Staff to bring increased attention to FOIA productivity, the oldest cases in the Department, and the percentage of cases in the backlog that are more than 200 days old.

The Privacy Office engaged the Office of the Chief Information Officer (OCIO) to modernize the DHS FOIA Monthly Report. The Privacy Office expects the effort to significantly reduce the staff time it takes to prepare the report and improve data analysis capabilities by transferring the tracking from a spreadsheet to an advanced database. The goal of the project is to allow real-time tracking of FOIA administration.

Components provided the following responses:

*CBP:*

- CBP Management Inspection Division (MID) conducted an annual Self-Inspection Program (SIP) to track management, review, and update processing procedures on FOIA internal process. The FOIA office takes corrective action on any deficiencies identified by the audit, which involves the review of a sample of FOIA requests to ensure that citations, guidance, citations and polices are correct.

*ICE:*

- ICE routinely conducted self-assessments with a focus in the 4<sup>th</sup> quarter of FY 2021 on the intake and litigation processes. This included updating the search tasker communications that go out to program offices with tighter deadlines, more specific instructions, and refined responsiveness check processes to speed up the search process for FOIA requests or cases in litigation. ICE FOIA worked with the ICE legal team to consolidate the tracking efforts of FOIA litigations into one shared tracking system avoiding duplicating work. ICE also outlined a comprehensive inter- and intra-agency review and process improvement project to be executed in FY 2022.

*OIG:*

- Conducted self-assessments of the methods, processing, and procedures on a weekly basis. As part of its review of DHS raw data each week, OIG also identified best practices, efficiencies, and any high priority/sensitive requests.

*USCIS:*

- Routinely assessed the strength of the FOIA program by reviewing Annual Report Data and modifying workflows and processes where necessary. In 2021, USCIS also initiated quarterly compliance reports that analyzed compliance rates and backlog status. Dashboards were created to share real-time backlog and compliance data daily with USCIS leadership. This allowed for a more efficient means to track progress with meeting statutory timelines. In addition, the FOIA program was reviewed monthly by an independent office within USCIS for quality control and to identify trends for training purposes.

*USSS:*

- Conducted workflow and track management but also reviewed and updated the workflow process. The FOIA Office worked with the Chief Information Office (CIO) to develop a detailed keyword search form that allows for a quicker and more accurate search for responsive emails while reducing the burden on CIO. FOIA also worked with the field offices to identify and utilize standard points of contact to streamline the search for responsive documents when necessary.

**9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2021. (Please provide a total number or an estimate of the number.)**



In addition to responding to complaints or inquiries regarding requests processed by the Privacy Office, the Privacy Office FOIA Public Liaison assists requesters with Component issues.

Components provided the following estimates:

Agencies	Number of Times Requesters Sought Assistance from the FOIA Public Liaison
CBP	3,211
FEMA	230
FLETC	50
I&A	0
ICE	21
OIG	5
PRIV	250
TSA	0
USCG	1,600
USCIS	8,584
USSS	20
<b>DHS TOTAL</b>	<b>13,971</b>

**10. Has your agency reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands?**

CBP, FEMA, I&A, OIG, PRIV, USCG, and USSS reported reviewing FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands.

Components provided the following additional details:

*CBP:*

- To improve operations, CBP worked with the Investment Analysis Office (IAO) and the Office of Facilities & Asset Management (OFAM) to develop the PDO FOIA Workload Staffing Model (WSM). The WSM included five workload categories to identify staffing needs to respond to current and anticipated FOIA demands. The FOIA WSM estimated the FTE count required to close forecasted FOIA requests and all supporting operations by workload category. We conducted this assessment to determine the dependability of the Workload Staffing Model in establishing the number of CBP FOIA staff needed to fulfill mission requirements.

*I&A:*

- Hired three Federal employees.

*ICE:*

- The ICE FOIA Office filled five supervisory positions last fiscal year then shifted its focus to hiring staff positions. ICE began to explore the option of contractors and detailees due to increasing FOIA demands and staff departures.

*OIG:*

- Regularly reviewed resources and staffing to ensure FOIA-related requests are met.

*PRIV:*

- Engaged the DHS Chief Financial Officer's Program Analysis & Evaluation Office to create a Staffing Allocation Model (SAM). The SAM accounts for all workflows associated with processing FOIA requests and will assist in ensuring appropriate staffing.
- Regularly monitored staff output to determine internal PRIV and component processing needs.

**11. Optional -- Please describe:**

- **Best practices used to ensure that your FOIA system operates efficiently and effectively**
- **Any challenges your agency faces in this area**

Components provided the following responses:

*ICE:*

- USCIS and ICE renewed a Memorandum of Agreement which allows USCIS to process ICE documents contained with the Alien file (A-File). To support this agreement USCIS built out functionality within FIRST that allows USCIS to process ICE documents and then electronically deliver those documents to ICE for review and approval. Once documents are delivered, ICE has 48 hours to review the processing completed by USCIS. Once approved, FIRST automatically delivers the ICE documents back to USCIS where they are combined with the remaining A-file documents and packaged for delivery to the requester. This agreement does away with the need to refer documents to ICE and provides greater customer service by reducing processing times and delivering one consolidated response to the requester. (See also, *Spotlight on Success* Section)

*USCG:*

- The Coast Guard FOIA system is decentralized, which creates organizational challenges that delay FOIA responses. The Coast Guard Office of Privacy (CG-6P) has begun centrally processing a limited number of complex requests and consultations to improve responsiveness.

*USCIS:*

- The Freedom of Information Act Records System (FIRST) is used by USCIS to create, control, and process all FOIA/PA requests. This centralized system allows for efficient and consistent processing throughout the USCIS FOIA program. FIRST developers,

product managers, and system administrators consistently monitor system performance to ensure it is operating efficiently and effectively. System reporting is used to identify performance issues and negative trends in system performance. System administrators also monitor helpdesk tickets and emails submitted by users who encounter system issues. Issues are quickly escalated for evaluation and resolution.

- The FIRST development team consistently pursues development that will support stable platform operation. However, the greatest challenge to consistent performance facing the FIRST application is network stability and potential outages amongst our external partners.

### ***C. Steps Taken to Increase Proactive Disclosures***

DOJ has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps your agency taken to make and improve proactive disclosures of information.

#### **1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.**

Components provided the following responses:

##### ***CBP:***

- Posts documents that are of interest to the public on the CBP Reading Room and within the FOIA Online system.
  - Request are identified by the significant topic and media.
  - Records are reviewed and approved by management.
  - Request numbers and documents are logged into a tracking log.
  - Records are uploaded to the CBP Reading Room by the FOIA team and then published by the Office of Public Affairs Web Content and Digital Media Branch.

##### ***FEMA:***

- Monitors the FOIA releases made and the incoming requests to identify any trends.

##### ***FLETC:***

- Currently, only the annual FOIA report is posted. It is rare that FLETC receives requests for records more than once. We have not identified any other records that meet the proactive disclosure criteria in accordance with 5 U.S.C. § 552(a)(2)(D).

*ICE:*

- Identifies requests for records to proactively post under the requirements of the FOIA. ICE management works with program offices that maintain those records to have them proactively posted.

*OIG:*

- Identifies candidates for proactive disclosures. Once identified, such disclosures are coordinated with senior leadership and the immediate chain of command; proactive disclosures are approved by senior leadership.

*PRIV:*

- Identifies frequently requested records and adds them to the FOIA library. DHS improved the functionality of the FOIA Library by enabling users to search for posted records using keywords.

*USCG:*

- Reviews the trends of requests that are being submitted. The office will reach out to the processing office(s) to suggest that the response be proactively posted online.

*USCIS:*

- Tracks frequently requested records and partners with the USCIS External Affairs Directorate to identify and post significant interest documents to the USCIS Electronic Reading Room.

*USSS:*

- FOIA managers monitor incoming requests to identify common requested trends and requests of significant news interest then flag them for proactive disclosure.

**2. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.**

Components provided the following responses:

*CBP:*

- Disclosed records related to Unaccompanied Children (UAC), Migrant Protection Protocols, Civil Unrest, and Title 42. The records are available here: [FOIA Reading Room | U.S. Customs and Border Protection \(cbp.gov\)](#)

*FEMA:*

- Released and routinely updated data related to aspects of the COVID-19 pandemic response, including vaccine center support and funeral assistance. All information can be found here: [Coronavirus \(COVID-19\) Response | FEMA.gov](#)

*FLETC:*

- [Freedom of Information Library | Federal Law Enforcement Training Centers \(fletc.gov\)](https://www.fletc.gov)

*ICE:*

- Proactively posted records to the ICE FOIA Library to include the Detention Facility Compliance Inspection reports and Detainee Death reports. All proactive disclosures are posted to <https://www.ice.gov/foia/library>.

*OIG:*

- Generally, posted reports of investigation (ROIs) and audits. Items are available at [FOIA Reading Room | Office of Inspector General \(dhs.gov\)](https://www.dhs.gov/foia/reading-room).

*PRIV:*

- Posted records related to several high-profile issues, including COVID-19, Civil Unrest, and Venntel contracts. All records are posted at [FOIA Library | Homeland Security \(dhs.gov\)](https://www.dhs.gov/foia/library)

*USCG:*

- Posted high-interest items and items advancing public understanding of agency operations. All records are posted at [Frequently Requested Records \(uscg.mil\)](https://www.uscg.mil/foia)

*USCIS:*

- Posted 201 new documents during the past reporting year. All items are available at [Electronic Reading Room | USCIS](https://www.uscis.gov/foia).

*USSS:*

- Disclosed FOIA logs, frequent requested travel records and other request of significant news interest. All items are available at [FOIA Reading Library | United States Secret Service](https://www.dhs.gov/foia/reading-room).

**3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.**

Components provided the following responses:

*TSA:*

- Posts records in our reading room for the public to access the information. Additionally, we post final agency decisions, FOIA logs, TSA throughput data, TSA Contact Center (TCC) complaint data and records that have been requested more than three times. All information can be found here: [FOIA Electronic Reading Room | Transportation Security Administration \(tsa.gov\)](https://www.tsa.gov/foia)

*USCG:*

- Provides public access to the Maritime Information Exchange (CGMIX) page which allows them to get information on marine casualties. All information is available at [USCG Maritime Information Exchange \(CGMIX\) Main Page](#)

*USCIS:*

- Posts to the following site <https://www.uscis.gov/tools/reports-and-studies/h-2b-employer-data-hub>

**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?**

CBP, FEMA, ICE, PRIV, TSA, USCG, and USCIS all reported taking additional steps to make information posted to the website more useful to the public. USCIS added that it continually reviews web-site layout and design to make it easier and more friendly to use.

**5. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.**

Components provided the following responses:

*CBP:*

- Releases records open to the public immediately through our FOIA Online system and all significant public interests to the CBP Reading Room.

*FEMA:*

- Maintained OpenFEMA. Requests received are often for supplemental information that has not been proactively disclosed on OpenFEMA. The FOIA office works with programs to try and update the OpenFEMA database with this additional supplemental information or have the information more readily available when it is requested.

*ICE:*

- Posted an updated accessibility statement and practices to improve website usability and contact information.

*PRIV:*

- Significantly updated and revised its FOIA pages to streamline the material and eliminate duplicative material. Significantly, in 2021 DHS was the only agency that earned an A on its FOIA webpages from the Center for Plain Language. All records are posted at [Report Card Grades Across 10 years \(centerforplainlanguage.org\)](https://centerforplainlanguage.org)

*TSA:*

- Reviewed closed cases and frequently requested records on a biweekly basis.

*USCG:*

- Worked with the Public Affairs Office to redesign USCG FOIA web-based resources page and FOIA Library page to make it more user friendly and searchable. The Coast Guard is working to ensure any materials posted are compliant with all regulatory guidelines and rules. The goal is to provide useful information to the public in a format that is easy to use and navigate.

*USCIS:*

- Ensured all proactive disclosures on the USCIS Electronic Reading Room (ERR) are 508 compliant. Categories have been streamlined across the USCIS website to make it more user friendly.

**6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.**

Components provided the following responses:

*CBP:*

- All documents uploaded to CBP Reading Room are made as compliant with section 508 regulations as possible. A section 508 waiver is in place for the CBP Reading room, as some documents are not able to be made 100% compliant.

*OIG:*

- Coordinated with senior leadership and the program office from which the records originate.

*TSA:*

- Collaborated with the Strategic Communications and Public Affairs office to post records to the TSA FOIA Reading Room. TSA also worked with Security Operations to post the bi-weekly TSA throughput data and the Customer Service Branch to post monthly complaint data.

*USCG:*

- Collaborated with offices to review and post records to the Coast Guard's FOIA public library.

*USCIS:*

- Collaborated with the USCIS External Affairs Directorate who identifies documents of significant interest to post to the USCIS Electronic Reading Room.

USSS:

- Notified Community Media Relations of the proactive disclosure so that it could be shared with USSS media sources for public awareness.

#### ***D. Steps Taken to Greater Use Technology***

A key component of the FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also explore ways to use technology when responding to requests.

Please answer the following questions to describe how your agency uses technology to improve its FOIA administration and the public's access to information. You should also include any additional information that describes your agency's efforts in this area.

##### **1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?**

Modernizing FOIA information technology (IT) infrastructure is a cornerstone of the 2020-2023 Departmental FOIA Backlog Reduction Plan. The Privacy Office maintains the contract for the FOIA processing solution used by most Components. As described in past reports, the Privacy Office worked extensively with Components on the procurement of a contract for a new FOIA processing solution to meet the Department's complex FOIA processing needs.

Privacy Office completed procurement in 2021 and expects to operationalize the new tool before the end of FY 2022.

The Privacy Office required that the new solution include several key features that will decrease the administrative burden and improve processing. Critically, the solution provides users with access to powerful e-discovery tools that will improve processor's ability to efficiently review the large volume of electronic records often associated with complex FOIA requests. The solution will also be interoperable with other FOIA tools in use at the Department and allow requesters to submit requests online more efficiently. The solution also provides video redaction capabilities, which we expect will be increasingly important as the Department increases its use of body worn cameras.

CBP, FEMA, FLETC, I&A, ICE, OIG, TSA, USCG, USCIS, and USSS responded that they have reviewed FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands. CBP is transitioning from FOIAonline to the Privacy Office's solution and FLETC also reported that it is working on joining the solution to manage its FOIA case load more effectively.

##### **2. Please briefly describe the types of technology your agency uses to support your FOIA program.**

Components provided the following responses:



*CBP:*

- Obtained redaction licenses for Evidence.com, an Axon product that enables redaction of video captured from body worn cameras. Utilization of Evidence.com has allowed a seamless process for requesting, receiving, and redacting video footage from the body worn cameras. CBP FOIA began using Clearwell to assist with voluminous record sets and in conjunction with the Office of Chief Counsel (OCC) and the Office of Information Technology (OIT), will begin using Relativity One for cases in litigation, email record requests, voluminous documents, and de-duplication. CBP FOIA is working with the Robotic Process Automation team to create a “Bot” that will assist with simple, routine task closures.

*FEMA:*

- Used de-duping and file sharing capabilities of the FOIA processing solution.

*FLETC:*

- Used SharePoint to collaborate with the FLETC Office of Chief Counsel and other offices to provide responsive records.

*I&A:*

- Used the enterprise-wide FOIA processing solution.

*ICE:*

- Used the enterprise-wide FOIA processing solution to track, manage and process all incoming FOIA request. The ICE FOIA Office utilizes 100 percent electronic workflow, and all files are stored electronically in the solution or on a shared drive. ICE also utilizes Visual Labs software to process audio/video files. ICE FOIA utilizes Relativity, an e-discovery technological solution to assist with searching complex and voluminous document sets for responsive records and to eliminate duplicate and non-responsive ones. Additionally, ICE utilizes USCIS’s end-to-end digital processing system, FIRST, to process and review requests.

*OIG:*

- Utilizes the internet, reading rooms and social media to support its FOIA program.

*TSA:*

- Utilizes the Public Access Link PAL for individuals to submit FOIA requests. PAL streamlines the process of logging in requests making it easier to communicate with the requesters and send them records. TSA also uses FOIAXpress for tracking incoming requests, processing records, and closing requests.

*USCG:*

- Uses FOIAXpress to track FOIA requests, SharePoint to store FOIA information (i.e., templates, guides and training for FOIA processors, and Microsoft Teams to provide additional avenues of communication between different FOIA processors in the agency.

*USCIS:*

- Uses the FIRST processing application to respond to requests, as well as eDiscovery software to de-duplicate and cull responsive records.

*USSS:*

- Uses a commercial off the shelf FOIA processing solution.

**3. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?**

As previously noted, DHS was the only agency given an “A” on its FOIA web pages by the Center for Plain Language in the 2021 Federal Plain Language Report Card. The Center’s [announcement](#) regarding the 2021 report card notes that the DHS FOIA webpage is an “excellent model to follow.”

CBP, FEMA, FLETC, ICE, OIG, TSA, USCG, USCIS and USSS reported that they regularly review their FOIA websites to ensure they contain essential resources, are informative, and user-friendly. Components also provided the following details:

*USCIS:*

- Re-designed the FOIA website to make it easier to locate the information the public is seeking. Content is frequently reviewed to ensure it addresses the needs of the public.

**4. Did all four of your agency's quarterly reports for Fiscal Year 2021 appear on your agency's website and on FOIA.gov?**

No. The posting of the quarterly report was delayed due to changes in personnel and procedures.

**5. If your agency did not successfully post all quarterly reports in conjunction with the information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring such reporting is successful in Fiscal Year 2022.**

N/A

**6. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2012 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 Annual FOIA Report.**

**7. Optional -- Please describe the following:**

- **Best practices implanted for greater use of technology**
- **Any challenges your agency faces in this area**

Components provided the following responses:

*USCIS:*

- USCIS encourages requestors via public messaging on the USCIS website to submit FOIA requests online, which allows us to leverage the technological efficiencies within FIRST to intake, process, and release responses to FOIA requests. Online requests have the added benefit of allowing requestors to submit and track their FOIA requests and receive documents digitally.

***E. Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs***

DOJ emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses 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 10 oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's FY 2019 and 2020 Annual FOIA Reports.

***Simple Track***

Section VII.A of your agency's Annual FOIA Report titled "FOIA Requests – Response Time for All Processed Requests" includes figures that show your agency's average response times for processed requests. For agencies using 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.

**1. Does your agency use a separate track for simple requests?**

Yes.

**2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests 20 working days or fewer in Fiscal Year 2021?**

No. The average time to process simple requests was 29 days. Ten of 14 DHS FOIA processing centers reported processing simple cases in less than 20 days.

**3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.**

Thirty-four percent.

**4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests 20 working days or fewer?**

N/A

### ***Backlogs***

When answering these questions, please refer to your Fiscal Year 2021 Annual FOIA Report, Sections XII.D-E, which compare the numbers of requests and appeals received, processed, and backlogged between Fiscal Years 2020 and 2021.

### ***Backlogged Requests***

**5. If your agency had a backlog of requests at the close of Fiscal Year 2021, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?**

Yes, DHS ended FY 2021 with a backlog of 25,102 – a reduction of more than 30 percent compared to the end of FY 2020, and only six percent of the total number of requests received. Eight FOIA processing centers reduced their backlogs.

**6. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?**

N/A

**7. If your agency's request backlog increased during Fiscal Year 2021, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:**

- **An increase in the number of incoming requests.**
- **A loss of staff.**
- **An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.**
- **Impact of COVID-19 and workplace and safety precautions**
- **Any other reasons, please briefly describe or provide examples when possible.**

Components provided these responses:

*CBP:*

- An increase in the number of incoming requests.
- An increase in the complexity of the requests received. Requests concerning the Inauguration, COVID-19 crisis, Civil Unrest (George Floyd), Migrant Protection Protocol, Unaccompanied Children and the January 6th Protest/Civil Unrest at the U.S. Capitol increased the number of documents to review therefore increasing our backlog.

*FEMA:*

- The backlog increased, but not significantly. Aside from loss of staff, increased complexity of requests impacted response times. FEMA was heavily involved in responding to the pandemic as well as other requests related to other on-going emergencies. This resulted in a surge of request that all qualified for expedited processing.

*I&A:*

- The two-person FOIA team experienced 100% turnover in this period, as well as an increase in the number of incoming requests. Moreover, COVID-19 precautions and limited Sensitive Compartmented Information Facility (SCIF) access contributed to delays in handling classified FOIA requests, Mandatory Declassification Requests, and litigation.

*ICE:*

- ICE received requests at a rate that exceeded the resources available to complete the work. The increase in backlog was attributed to staffing vacancies, an increase in the complexity and number of requests received.

*OIG:*

- Increasing volume and complexity of FOIA requests have contributed to the backlog.

*USCG:*

The Coast Guard is reviewing the status of its FOIA program and identifying future resource requirements. Future resource requests will address identified capacity challenges. We note that

the Coast Guard FOIA program staffing level is less than that in components with comparable FOIA request levels.

TSA:

- TSA FOIA saw an uptick in litigation. There is not enough staff to process new requests and reduce the backlog.

**8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2021. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with “N/A.”**

Six percent.

### ***Backlogged Appeals***

**9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?**

The backlog of appeals increased by 23 percent – from 354 at the end of FY 2020 to 436 at the end of FY 2021.

**10. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?**

The number of appeals processed in FY 2021 decreased by almost 4 percent compared to FY 2020.

**11. If your agency’s appeal backlog increased during Fiscal Year 2020, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:**

- **An increase in the number of incoming requests.**
- **A loss of staff.**
- **An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.**
- **Impact of COVID-19 and workplace and safety precautions**
- **Any other reasons, please briefly describe or provide examples when possible.**

Components that experienced an increase in the appeals backlog provided the following responses:

*ICE:*

- The appeal backlog increased due to the numerous vacancies on the ICE FOIA team. ICE FOIA experienced a loss of staff and supervisors during the past fiscal year but is actively recruiting and staffing up.

*OIG:*

- DHS OIG FOIA experienced turnover at the GS positions and one FOIA supervisor during the reporting period. The volume and complexity of requests also significantly contributed to the backlog.

*TSA:*

- TSA FOIA saw an increase in appeals compared to last year but the number of days to process them decreased.

*I&A*

- The two-person FOIA team experienced 100% turnover in this period, as well as an increase in the number of incoming requests. Moreover, COVID-19 precautions and limited SCIF access contributed to delays in handling classified FOIA requests, MDRs, and litigations.

**12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2021. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2021 and/or has no appeal backlog, please answer with "N/A."**

Six percent.

### ***Backlog-Reduction Plans***

**13. In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2020 were asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2021?**

The Privacy Office continues to implement the 2021-2023 Departmental FOIA Backlog Reduction Plan. The plan lays out a blue print for addressing root causes of the DHS backlog, including decentralization, and outdated FOIA IT infrastructure, and resource and staffing constraints. This year, DHS made significant progress on efforts to improve service to the Department and the public, modernize the FOIA IT infrastructure, invest in employees, and strengthen the regulatory and policy environment. Key achievements on this agenda include:

- A significant reduction in the backlog at the end of FY 2021;
- Processing a record-breaking number of requests in FY 2021;
- Continued review and use of Component FOIA performance metrics;

- Modernization of the DHS Privacy Office’s Monthly FOIA Report;
- Leveraging Privacy Office resources to close a significant number of requests from Component backlogs;
- Completion of a procurement for a modernized FOIA processing solution;
- Migration of the DHS FOIA processing solution to the cloud;
- Continuations of the agreement between USCIS and ICE to eliminate referrals when processing A-File records;
- Publication of a FOIA Compliance Instruction that protects confidential information of certain vulnerable immigrants and long-term permanent residents;
- Launch of the monthly FOIA’s Nine on the 9<sup>th</sup> Training Series; and
- Expansion of the Sunshine Week FOIA Training Summit in a virtual environment.

Components provided these additional responses:

*CBP:*

- For FY 2021 CBP implemented the following:
  - Authorized overtime;
  - Utilized TDY and Light Duty staff;
  - Targeted tiger teams to work specific request types;
  - Training of newly onboarded staff Utilization of the CBP Contract staff;
  - Utilized DHS contract staff and DHS Privacy staff to assist with the redaction of Simple requests;
  - Proactive posting to the Reading Room; and
  - Utilize Clearwell.

*FEMA:*

- Currently, FEMA does not have a plan for reduction that did have to be modified to meet the needs of surge in expedited requests.

*ICE:*

- ICE achieved a backlog reduction this past fiscal year by redistributing staff to focus on the backlog of USCIS referral cases. ICE personnel, including supervisors, worked overtime for several months. ICE FOIA also detailed a supervisor from the U.S. Secret Service to assist in this effort to reduce the backlog.

*TSA:*

- For FY 2021 TSA implemented the following:
  - Targeted certain years of requests for processing and closure.
  - Met regularly to identify any issues in processing older requests with a timeframe in mind.
  - We were able to reduce our backlog each quarter as mandated by DHS.



*USCG:*

- USCG was not able to reduce its backlog in FY 2021 by the DHS policy of 10 percent per fiscal year. The FOIA program assigned our support contracting staff to geographic areas to assist offices with obtaining the status of all open requests and to close any requests that remained open.

*USCIS:*

- USCIS created a multi-faceted backlog reduction plan which included the following:
  - Technology enhancements to the FIRST processing application;
  - Creation of a real time FOIA backlog and compliance dashboard;
  - Use of a FOIA backlog contractor;
  - Overtime to assist with reducing backlogs;
  - Additional staffing;
  - The usage of 116 staff members from other DHS components and USCIS non-FOIA personnel who were trained to perform USCIS FOIA duties;
  - The implementation of a five-day policy which requires USCIS, CBP, and ICE staff to provide responsive records within five business days of receiving a request for records; and
  - Creation of a decentralized scanning mechanism for non-FOIA personnel to upload responsive records into FIRST.
    - The USCIS FOIA Backlog Reduction Plan instituted in FY 2021, was successful in reducing its A-file backlog to only 58 requests (a 99.6% reduction) and reducing its overall backlog to 1,599 requests, a reduction of 92% from Fiscal Year 2020.

*USSS:*

- Although the USSS backlog was under 1,000. The USSS FOIA Office decreased the backlog from 325 request pending at the end of FY 2020 to 157 requests pending FY 2021, representing a 51% decrease. This was done through a modernization of the FOIA intake process to include electronic, out for approval, binders. These actions streamlined the process and allowed for quicker return of OFA binders, especially during the COVID-19 telework time frame. The office assigned a FOIA point of contact to collaborate with CIO to improve the method of email searches to obtain responsive documents related to requests.

**14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, what is your agency's plan to reduce this backlog during Fiscal Year 2022? In particular, please also detail how your agency developed and plans to execute your backlog reduction plans.**

As described above, the Privacy Office is continuing to implement the 2020 – 2023 Departmental FOIA Backlog Reduction Plan. Components provided the following responses:

*CBP:*

- For FY 2022, CBP will implement the following:
  - Relativity One Software System;
  - Utilize automation “Bots;”
  - Utilize DHS contract staff and DHS Privacy staff to assist with the redaction of Simple requests;
  - Authorize overtime;
  - Utilize TDY and Light Duty staff;
  - Create targeted tiger teams to work specific request types;
  - Training of newly onboarded staff;
  - Utilization of the CBP Contract staff;
  - Proactive posting to the Reading Room;
  - Filling Vacancies;
  - Request funding for additional staff; and
  - Using measures of individual analyst performance to include performance indicators.

*ICE:*

- ICE plans to reduce its backlog by maximizing the effectiveness and efficiency of current staff until its vacancies are filled. ICE FOIA has also highly encouraged current staff to use overtime for processing backlogged cases only. The processing teams are also triaging their cases.

*USCG:*

- The Coast Guard intends to centrally process complex requests within the Office of Privacy (CG-6P) to accelerate requests that are currently completed at the field offices.

*USCIS:*

- Received 235,210 new requests in FY 2021. USCIS continues to undertake substantial efforts with respect to its overall FOIA program, including, but not limited to, bolstering resources/personnel, and seeking an above-guidance appropriation for its FOIA program. In FY 2022, USCIS FOIA will solicit additional support from non-FOIA programs within USCIS and seek to extend current staff support. USCIS continues to identify additional process efficiencies to address the factors impacting its ability to process requests and to implement changes allowing it to maintain the agency’s reduced backlog. USCIS

continues to closely monitor FOIA response times and identify requests that may require management or leadership attention and additional resources and continues to utilize overtime as funding permits to further reduce its backlog of FOIA requests.

### ***Status of Oldest Requests, Appeals, and Consultations***

Section VII.E, titled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), titled "Ten Oldest Pending Administrative Appeals," and Section XII.C., titled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the 10 oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

### ***Oldest Requests***

**15. In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2020 Annual FOIA Report?**

Yes.

**16. 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 2020 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

N/A

**17. Beyond work on the 10 oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.**

The DHS issues FOIA performance metrics for DHS FOIA Processing Centers. In addition to requiring backlog reduction, the metrics require FOIA processing centers to reduce the percentage of requests that are pending more than 200 days.

Components provided the following responses:

*CBP:*

- Reviewed a list of backlogged requests and utilized different strategies to complete processing of the oldest requests. Our office utilized contractors to help with reviewing aging requests that had over 100,000 pages for responsiveness. In doing this, we were able to send interim releases quicker to the requester which provided the requester with a substantial number of documents. This step resulted in the release of several pages via interim responses (monthly, rolling release(s) with processed pages until all pages were released). At times, the requesters were satisfied with the received documents and

withdrew their request. Also, requesters were contacted via telephone and/or email to determine if they were still interested in receiving documents for their request. We have also contacted the requesters to assist them with narrowing the scope of their requests which helped to eliminate search times. All these steps reduced the number of pending cases that were beginning to age. Lastly, we identified requests that were pending in our Program Offices queue for record searches. We worked with them to continue the search process to keep the case moving through the FOIA process.

*FEMA:*

- Reached out to requesters to identify the specific information needed to satisfy the request and worked with program offices to provide information in the most condensed way possible.

*FLETC:*

- Engaged with requesters to modify or clarify their requests to ensure that the FLETC FOIA office was processing the request as efficiently as possible.

*I&A:*

- Triaged requests that are not overly complex.

*ICE:*

- Triaged cases by identifying ones that could be processed quickly, especially administrative closes where the 1<sup>st</sup>-party requester has not responded to a request to confirm their identity. ICE FOIA formed specific teams to process voluminous requests and sent still interested letters to requesters of old cases. Internally, ICE FOIA processing supervisors worked diligently to resolve any processing issues that came up.

*OIG:*

- Developed a process and dedicated resources to addressing DHS OIG's oldest cases first.

*TSA:*

- Assigned identical requests to the same analyst to ensure uniformity in processing and increase closures, to include identifying simple cases that could be processed quickly. Additionally, TSA met with analysts weekly to ensure they were meeting their goals in closing the ten oldest, pending consults, appeals and all 2016 cases and 50 percent of the 2017 cases. Lastly, TSA contacted requesters to narrow the scope of voluminous requests.

*USCG:*

- Reached out to requesters to see if they were still interested in pursuing their FOIAs. If they were, the FOIA Office consulted with them to see if there were ways to narrow the scope of any voluminous requests.

*USCIS:*

- Focused efforts on reducing the amount of time it takes to receive files in from the field by developing a five-day policy that required offices to either upload files into the FIRST

processing application or send the file within five business days. This policy was supported and reinforced by USCIS leadership. The field scans responsive records and uploads the requested documents into FIRST remotely.

### ***Ten Oldest Appeals***

**18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2020 Annual FOIA Report?**

No.

**19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VI.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.**

DHS closed eight of its 10 oldest appeals pending at the end of FY 2020.

**20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.**

Components provided the following responses:

*CBP:*

- Reorganized the appeals office into two units to handle appeals more effectively.

*FEMA:*

- Reached out to requesters to identify the specific information needed to satisfy the request and then working with program offices to provide this information in the most condensed way possible.

*ICE:*

- Met with the ICE Government Information Law Division (GILD) attorney leadership to improve the initial intake and assignment of appeals, and refine the appeal workflow process including identifying better ways to expedite the handoff to the legal team. The team created an electronic shared appeals access point to increase visibility and tracking, and the ability to better assign cases. If an appeal is remanded, the team can reassign the appeal case for processing and direct response to the requester.

*OIG:*

- Reduced its current appeals backlog and is dedicated to having zero appeals for FY22. The only remaining appeals are extremely complex and tied to multiple FOIA requests.

*TSA:*

- Worked closely with the Chief Counsel's office and the appeal official to ensure all entities were aware of the processing and closure goal.

*USCG:*

- Dedicated a member of our contract support to process all FOIA appeals.

*USCIS:*

- Increased staffing to handle appeals workload.

### ***Ten Oldest Consultations***

**21. In Fiscal Year 2021, did your agency close 10 oldest consultations that were reported pending in your Fiscal Year 2020 Annual FOIA Report?**

No.

**22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.**

DHS closed one of its 10 oldest consultations pending at the end of FY 2020. All the Department's oldest pending consultations are with USCG.

### ***Additional Information on 10 Oldest Requests, Appeals, and Consultations and Plans***

**23. Briefly explain any obstacles your agency faced in closing its 10 oldest requests, appeals, and consultations from Fiscal Year 2020.**

Components provided the following responses:

*CBP:*

- The primary obstacle to closing the ten oldest appeals was the complexity and sensitivity of the documents. Appeals involving videos, emails, and other large data sources require coordination with other offices to retrieve and convert documents. These appeals also involve voluminous records that require careful review. Appeals involving statistics depend on the availability of the program offices, who often must prioritize taskings due to emerging situations (COVID-19, crisis along the southern border, etc.) to create and retrieve reports. Appeals involving sensitive issues require close coordination with the record owners to ensure all non-exempt information is released.

*FEMA:*

- Aside from loss of staff, the increase in the complexity of our request impacted our response time. FEMA was heavily involved in responding to the pandemic as well as other requests related to other on-going emergencies. This resulted in a surge of request that all qualified for expedited processing.

*I&A:*

- Focus on time-sensitive consults that involve litigation.

*ICE:*

- ICE closed nine of its 10 oldest requests. During this effort, ICE was challenged by the complexity, sensitivity and volume of records produced by the search. ICE engaged with the requester community to narrow these requests and identified internal strategies to respond to these oldest requests without further delay.

*OIG:*

- Oldest requests are extraordinarily complex and resulted in a large number of resources needed to process. OIG experienced a high turnover in the FOIA team, including a supervisor's departure, but has taken steps to affirmatively address these challenges.

*TSA:*

- TSA FOIA was not able to close three of our 10 oldest consults due to limited staff and a voluminous number of records.

*USCG:*

- The primary challenges associated with losing the Service's oldest requests, appeals, and consultations include the collateral duty nature of Coast Guard FOIA representatives in the field, the vetting of potentially classified or sensitive information, and service member turnover.

*USCIS*

- USCIS is committed to processing FOIA requests efficiently and timely. Obstacles that prevent closing older requests include the broad scope of the requests, which produce voluminous potentially responsive records that must be reviewed page by page, and the limited staff available to process them. USCIS works with individual requestors to narrow the scope of requests and/or to develop mutually agreeable rolling production schedules.

**24. If your agency was unable to close any of its 10 oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request your agency initially received, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.**

N/A

**25. If your agency did not close its 10 oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those 10 oldest requests, appeals, and consultations during Fiscal Year 2022.**

Components provided the following responses:

*CBP:*

- The appeals office will meet with program offices to emphasize the importance of responding to the oldest appeals and discuss contested issues regarding redactions.

*ICE:*

- Initiating weekly reporting to FOIA management on the status of the 10 oldest requests, appeals and consultations.

*OIG:*

- Developed plans and dedicated resources to eradicating the agency's oldest cases.

*TSA:*

- Met weekly with the assigned analyst for a status update to ensure we meet our FY 2022 goals.

*USCG:*

- Accelerate the processing of any open consultations that do not involve classified records requiring additional consultation.

*USCIS*

- As ongoing litigation deadlines are met, staff will be redirected to processing and closing the ten oldest requests, consults, and appeals.

## **II. Spotlight on Success**

**Out of all the activities undertaken by your agency since March 2021 to increase transparency and improve FOIA administration, please briefly describe here 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 but should not be something that you have reported in a prior year. 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 story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.**

USCIS and ICE renewed a Memorandum of Agreement allowing USCIS to process ICE documents contained with the Alien file (A-File). To support this agreement USCIS built out functionality within FIRST enabling USCIS to process ICE documents and then electronically deliver those documents to ICE for review and approval. Once documents are delivered, ICE has



48 hours to review the processing completed by USCIS. Once approved, FIRST automatically delivers ICE documents back to USCIS where they are combined with remaining A-file documents and packaged for delivery to the requester. This agreement does away with the need to refer documents to ICE and provides greater customer service by reducing processing times and delivering one consolidated response to the requester.

## **APPENDIX A: Composition of the Department of Homeland Security**

The U.S. Department of Homeland Security (DHS) has six overarching homeland security missions — 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:

The Office for Civil Rights and Civil Liberties (CRCL) provides policy advice to Department leadership on civil rights and civil liberties issues, investigates and resolves complaints, and provides leadership to Equal Employment Opportunity Programs.

The Office of the Citizenship and Immigration Services Ombudsman (Ombudsman) is dedicated to improving the quality of citizenship and immigration services delivered to the public by providing individual case assistance, as well as making recommendations to improve the administration of immigration benefits by U.S. Citizenship and Immigration Services (USCIS).

The Office of the Executive Secretary (ESEC) provides all manner of direct support to the Secretary and Deputy Secretary, as well as related support to leadership and management across the Department.

The Office of the General Counsel (OGC) integrates over 2,500 attorneys from throughout the Department into an effective, client-oriented, full-service legal team. The Office of the General Counsel comprises a headquarters office with subsidiary divisions and the legal offices for nine Department components.

The Joint Requirements Council (JRC) validates capability gaps, associated with operational requirements and proposed solution approaches to mitigate those gaps through the Joint Requirements Integration and Management System (JRIMS), leveraging opportunities for commonality to enhance operational effectiveness directly and better inform the DHS's main investment pillars.

The Office of Legislative Affairs (OLA) serves as primary liaison to members of Congress and their staffs, the White House and Executive Branch, and to other federal agencies and governmental entities that have roles in assuring national security.

The Military Advisor provides counsel and support to the Secretary and Deputy Secretary in affairs relating to policy, procedures, preparedness activities, and operations between DHS and the Department of Defense (DoD).

The Office of Partnership and Engagement (OPE) is the headquarter-level organization that through a unified approach to external engagement provides the Secretary with current information on the impact of the Department's policies, regulations, processes, and actions on state, local, tribal, territorial (SLTT) governments, elected officials, law enforcement, the private sector, and faith-based and non-governmental organizations across the United States and globally.

The Privacy Office (PRIV) works to preserve and enhance privacy protections for all individuals by providing privacy policy advice and guidance and conducting oversight, and also works to promote transparency in the Department's operations.

The Office of Public Affairs (OPA) coordinates the public affairs activities of all of the Department's components and offices and serves as the federal government's lead public information office during a national emergency or disaster.

The Office of Strategy, Policy, and Plans (PLCY) serves as a central resource to the Secretary and other Department leaders for strategic planning and analysis, and facilitation of decision-making on the full breadth of issues that may arise across the dynamic homeland security enterprise.

#### Operational and Support Components:

U. S. Customs and Border Protection (CBP) is one of the Department of Homeland Security's largest and most complex components. It has responsibility for securing and facilitating trade and travel while enforcing hundreds of U.S. laws and regulations, including those encompassing customs, immigration, border security, and agricultural protection.

The Cybersecurity and Infrastructure Security Agency (CISA) leads the national effort to defend critical infrastructure against the threats of today, while working with partners across all levels of government and in the private sector to secure against the evolving risks of tomorrow.

The DHS Countering Weapons of Mass Destruction Office (CWMD) enables operational partners to prevent WMD attacks against the United States and promotes readiness for chemical, biological, radiological, and health security threats.

The Federal Emergency Management Agency (FEMA) supports state, local, tribal and territorial partners to ensure we work together to help people before, during, and after disasters.

The Federal Law Enforcement Training Centers (FLETC) provides career-long training to law enforcement professionals to help them fulfill their responsibilities safely and proficiently.

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

U. S. 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.

The Management Directorate (MGMT) is responsible for budget, appropriations, expenditure of funds, accounting, and finance; procurement; human resources and personnel; information technology systems; facilities, property, equipment, and other material resources; providing biometric identification services; and identification and tracking of performance measurements relating to the responsibilities of the Department.

- Federal Protective Service (FPS) a federal law enforcement agency within the DHS Management Directorate charged with the safety, security and protection of more than 1.4 million employees and visitors to more than 9,000 facilities nationwide.

The Office of Operations Coordination (OPS) provides daily information to the Secretary of Homeland Security, senior leaders, and the homeland security enterprise to enable decision-making; oversees the National Operations Center; and leads the Department's Continuity of Operations and Government Programs to enable continuation of primary mission essential functions in the event of a degraded or crisis operating environment.

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

The United States Coast Guard (USCG) is one of the six 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.

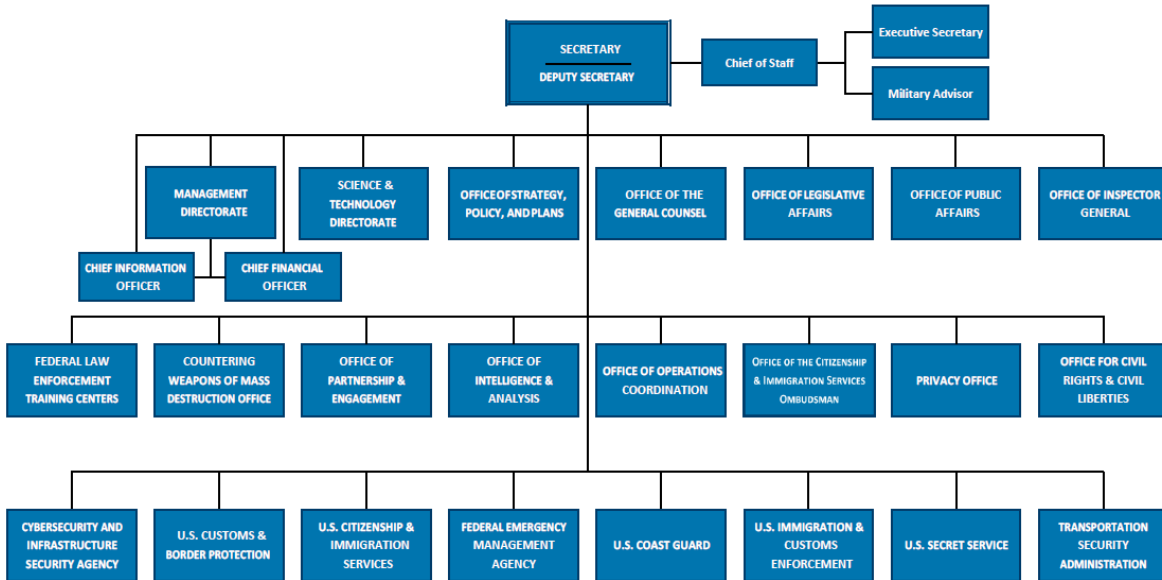
U.S. Citizenship and Immigration Services (USCIS) is the government agency that oversees lawful immigration to the United States. USCIS upholds America's promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve.

The 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.

The 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: Acronyms, Definitions, and Exemptions

## 1. Agency-specific acronyms or other terms

AFI	Analytical Framework for Intelligence
ASAP	American Society of Access Professionals
CBP	U.S. Customs and Border Protection
CFO	Chief Financial Officer
CHCO	Office of the Chief Human Capital Officer
CISA	Cybersecurity and Infrastructure Security Agency
CISOMB	Office of the Citizenship and Immigration Services Ombudsman
CWMD	Countering Weapons of Mass Destruction Office
CRCL	Office for Civil Rights and Civil Liberties
DHS	Department of Homeland Security
DOJ	Department of Justice
ESEC	Office of the Executive Secretary
FEMA	Federal Emergency Management Agency
FLETC	Federal Law Enforcement Training Centers
FPS	Federal Protective Service
FOIA	Freedom of Information Act
FY	Fiscal Year
IAPP	International Association of Privacy Professionals
I&A	Office of Intelligence and Analysis
ICE	U.S. Immigration and Customs Enforcement
MIL	Military Advisor's Office
MGMT	Management Directorate
OBIM	Office of Biometric Identity Management
OCIO	Office of the Chief Information Officer
OGC	Office of the General Counsel
OGIS	Office of Government Information Services
OIG	Office of Inspector General
OIP	DOJ Office of Information Policy
OLA	Office of Legislative Affairs
OPA	Office of Public Affairs
OPE	Office of Partnership and Engagement
OPS	Office of Operations Coordination
PLCY	Office of Strategy, Policy, and Plans
PRIV	Privacy Office
S&T	Science and Technology Directorate
TSA	Transportation Security Administration
USCG	United States Coast Guard
USCIS	U.S. Citizenship and Immigration Services
USSS	United States Secret Service

## 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 Annual FOIA 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 request 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. Prior to January 25, 2017, DHS applied 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 previously provided such persons the ability to access their own records in DHS’s Privacy Act “mixed systems of records” as if they were subject to the Privacy Act’s access provisions, and DHS processed the requests under FOIA as well.

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 Annual FOIA 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

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

### Department of Homeland Security Chief FOIA Officer

Lynn Parker Dupree  
Chief FOIA Officer  
Privacy Office, Mail Stop 0655  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528-0655

Catrina Pavlik-Keenan  
Deputy Chief FOIA Officer  
Privacy Office, Mail Stop 0655  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528-0655

### Department of Homeland Security Component FOIA Officers

Privacy Office  
Jimmy Wolfrey  
Senior Director, FOIA Operations  
Ph: 202-343-1743; Fax: 202-343-4011  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0655  
Washington, DC 20528-0655

U.S. Coast Guard  
Office of Privacy Management (CG-6P)  
Kathleen Claffie  
Ph: 202-475-3525; Fax: 202-475-3927  
Commandant (CG-6P)  
2703 Martin Luther King Jr Ave. SE  
Stop 7710  
Washington, DC 20593-7710

U.S. Citizenship and Immigration Services  
Cynthia Munita  
Ph: 816-350-5521; Fax: 816-350-5785  
National Records Center, FOIA/PA Office  
P. O. Box 648010  
Lee's Summit, MO 64064-8010

U.S. Customs and Border Protection  
Sabrina Burroughs  
Ph: 202-325-0150; Fax: 202-325-0230  
FOIA Officer  
90 K Street, NE  
Washington, DC 20229

Office for Civil Rights and Civil Liberties  
Rosemary Law  
Ph: 202-343-1743; Fax: 202-343-4011  
Privacy Office, Mail Stop 0190  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave SE  
Washington, DC 20528-0655

Federal Emergency Management Agency  
Greg Bridges  
Ph: 202-646-3323; Fax: 202-646-3347  
Records Management Division  
500 C Street, SW, Room 840  
Washington, DC 20472

Office of Biometric Identity Management  
Jimmy Wolfrey  
Ph: 202-295-5454; Fax: 202-298-5201  
Privacy Office, Mail Stop 0655  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528-0655

Federal Law Enforcement Training Centers  
Alicia D. Mikuta  
Ph: 912-267-3103; Fax: 912-267-3113  
Building No.681, Suite B187  
1131 Chapel Crossing Road  
Glynco, GA 31524

U.S. Immigration and Customs Enforcement  
Fernando Pineiro  
Ph: 866-633-1182; Fax: 202-732-4265  
500 12th Street, SW, Mail Stop 5009  
Washington, DC 20536-5009

Office of Inspector General  
Roy Jones  
Ph: 202-254-4001; Fax: 202-254-4398  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0305  
Washington, DC 20528-0305

Office of Intelligence and Analysis  
Teresa Taylor  
Ph: 202-447-3783; Fax: 202-612-1936  
Privacy Office, Mail Stop 0655  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528-0655

Science and Technology Directorate  
Erica Talley  
Ph: 202-254-8372; Fax: 202-254-6912  
Privacy Office, Mail Stop 0655  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528-0655

Transportation Security Administration  
Terri Miller  
Ph: 1-866-FOIA-TSA; Fax: 571-227-1406  
6595 Springfield Center Drive  
Springfield, VA 20598-6020

United States Secret Service  
Kevin Tyrrell  
Ph: 202-406-6370; Fax: 202-406-5586  
Freedom of Information Act and Privacy  
Act Branch  
245 Murray Lane, SW Building T-5  
Washington, DC 20223