



# Department of Homeland Security

2024 Chief Freedom of Information Act Officer Report  
Submitted to the Attorney General of the United States

March 2024



Homeland  
Security

## Message from the Chief Freedom of Information Act Officer



I am pleased to present the Department of Homeland Security's (DHS or Department) *2024 Chief Freedom of Information Act (FOIA)<sup>1</sup> Officer Report to the Attorney General of the United States*. This Report details the Department's accomplishments from March 2023 through March 2024 to enhance transparency and openness in government through the implementation of FOIA. The Chief Privacy Officer also serves as the Department's Chief FOIA Officer. Accordingly, the DHS Privacy Office FOIA Division establishes Department-wide FOIA policy, assesses FOIA implementation, and ensures FOIA compliance.

Last year, DHS continued to modernize its FOIA processes, including fine-tuning the new FOIA processing system used to manage the Department's complex and high volume of FOIA cases. This new enterprise-wide system is one example of the Department's commitment to reduce the FOIA backlog, decrease processing times, and consistently identify information that may be subject to an exemption. Moving forward, the DHS Privacy Office is committed to continuing to upgrade the FOIA Information Technology infrastructure environment, invest in developing the Department's FOIA personnel, and enhance collaboration between Components to facilitate DHS FOIA operations.

I look forward to building on our successes from the past year and enhancing the FOIA process through transparency and customer service.

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

A handwritten signature in cursive script that reads "Mason C. Clutter".

Mason C. Clutter  
Chief Privacy Officer and Chief FOIA Officer  
U.S. Department of Homeland Security

---

<sup>1</sup> 5 U.S.C. § 552.

## Executive Summary

The DHS FOIA program is the largest in the Federal Government. In Fiscal Year (FY) 2023, the Department once again set new records for the number of requests received and processed.

The DHS Privacy Office, led by the Chief Privacy Officer and Chief FOIA Officer, is responsible for the Department's FOIA policy, program oversight, training, and efficacy. The Chief FOIA Officer meets regularly with DHS leadership to provide progress updates on Department FOIA performance goals. These goals are designed to increase responsiveness, promote transparency, decrease the size and age of the DHS FOIA backlog, and identify and address potential FOIA resource gaps.

While the Department's FOIA program is decentralized – meaning it is implemented by DHS Components and offices with Departmental guidance and oversight provided by the DHS Privacy Office – this report summarizes Department responses and provides Component-specific data through examples and narratives highlighted throughout the report.

## Table of Contents

<b>Message from the Chief Freedom of Information Act Officer .....</b>	<b>2</b>
<b>Executive Summary .....</b>	<b>3</b>
<b>I. FOIA Leadership and Applying the Presumption of Openness .....</b>	<b>5</b>
A. Leadership Support for FOIA .....	5
B. Presumption of Openness .....	6
<b>II. Ensuring Fair and Effective FOIA Administration .....</b>	<b>8</b>
A. FOIA Training.....	8
B. Outreach .....	14
C. Other Initiatives.....	18
<b>III. Proactive Disclosures.....</b>	<b>22</b>
<b>IV. Steps taken to Greater Utilize Technology.....</b>	<b>30</b>
<b>V. Steps taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs.....</b>	<b>33</b>
A. Remove Barriers to Access .....	33
B. Timeliness .....	36
C. Backlogs.....	37
D. Backlog Reduction Plans .....	40
E. Reducing the Age of Requests, Appeals, and Consultations .....	42
F. Additional Information About FOIA Processing.....	46
<b>APPENDIX A: Composition of the Department of Homeland Security.....</b>	<b>49</b>
<b>APPENDIX B: Department of Homeland Security Organizational Chart.....</b>	<b>53</b>
<b>APPENDIX C: Names, Addresses, and Contact Information for DHS FOIA Officers .....</b>	<b>54</b>

# I. FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Attorney General’s 2022 FOIA Guidelines is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

## A. Leadership Support for FOIA

### 1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency’s Chief FOIA Officer at or above this level?

Yes. The DHS Chief FOIA Officer is a senior official at the Assistant Secretary equivalent level.

### 2. Please provide the name and title of your agency’s Chief FOIA Officer.

Mason C. Clutter, Chief Privacy Officer and Chief FOIA Officer.

### 3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

DHS Secretary Alejandro Mayorkas’ Priorities include building trust with the public through transparency. One of the primary ways DHS achieves this goal is through its robust FOIA program. The Privacy Office’s mission and strategic plan further detail efforts to promote and foster a culture of transparency and openness across the DHS enterprise. The Privacy Office’s Strategic Plan includes goals and objectives that address critical elements to support the DHS FOIA program, including expanding the availability of training, modernizing the FOIA IT infrastructure, and issuing policies that enhance the efficacy of FOIA operations.

DHS FOIA Processing Centers’ additional responses:

#### *U.S. Customs and Border Protection (CBP):*

- CBP incorporated FOIA goals and milestones into multiple plans including, CBP Privacy and Diversity Office (PDO) Executive Director/Senior Executive Service Performance Plan 2023, CBP Integrity and Accountability Strategy 2023, CBP Strategy 2021-2026, and the FY 2023 CBP Priorities.

#### *Cybersecurity and Infrastructure Security Agency (CISA):*

- CISA has historically incorporated FOIA into its core mission. While FOIA Operations at CISA have primarily been performed with the assistance of the DHS Privacy Office,

by way of a Service Level Agreement, CISA has maintained a small staff of FOIA analysts who work in close coordination with the DHS Privacy Office and FOIA team.

- CISA’s Office of Privacy, Access, Civil Liberties, and Transparency oversees CISA’s FOIA program, and included FOIA initiatives and activities in its Annual Operating Plan.

*Office for Civil Rights and Civil Liberties (CRCL):*

- The Senior Executive Service supervisor who oversees the CRCL FOIA program has incorporated goals related to the processing of FOIA requests and affirmative posting of materials under CRCL’s transparency program. These goals are, in turn, included in the performance plans of the relevant team members.

*Federal Emergency Management Agency (FEMA):*

- FEMA has included milestones focusing on reducing the FOIA backlog, agency training, and proactive disclosures, aligning with the Agency’s overall strategic goal of making its services more accessible to all members of the public.

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

- I&A leadership has made transparency, including disclosures under FOIA, a key priority for the organization. For example, in this reporting period, I&A revised its practices to promote greater transparency with the public, which has resulted in fewer exemptions taken under (b)(3). On May 4, 2023, I&A announced the creation of the Transparency and Oversight Program Office within I&A, consolidating and elevating transparency and oversight functions under a senior official who reports directly to the Under Secretary for Intelligence and Analysis.

*Immigration & Customs Enforcement (ICE):*

- ICE is currently developing a FOIA Directive to be disseminated throughout the agency which will include FOIA goals and obligations across the agency. It is expected to be issued during the next reporting period.

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

- The USCIS FOIA Policy Branch implemented an FY 2024 strategic goal of conducting agency wide FOIA outreach. The objective of this goal is to educate agency offices on the FOIA process and increase the accurate and timely delivery of FOIA responses.

## **B. Presumption of Openness**

- 4. The Attorney General’s 2022 FOIA Guidelines provide that “agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.” Does your agency provide such confirmation in its response letters?**

Yes. The Privacy Office issued Department-wide [guidance](#) for DHS FOIA Officers on the

foreseeable harm standard in FY 2023. Additionally, the DHS Privacy Office trained DHS FOIA Officers on the requirement to update FOIA response letters to inform requesters that the agency considered the foreseeable harm standard when reviewing responsive records and applying FOIA exemptions. The Privacy Office also coordinated with the Office of the General Counsel to provide updated language for template response letters and circulated this language to DHS FOIA Officers.

- 5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. With respect to these responses, please answer the below questions:**

- a. the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible)**

While the Department tracks asserted exemptions, it does not specifically track whether a request involved a *Glomar* response.

- b. the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times)**

N/A

- 6. If your agency does not track the use of *Glomar* responses, are you planning to track this in formation in the future?**

Not at this time. DHS is awaiting DOJ guidance to the FOIA community on this matter.

- 7. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.**

The DHS Privacy Office issued the foreseeable harm guidance to FOIA Officers and FOIA professionals in FY 2023. Thereafter, the DHS Privacy Office hosted mandatory training for DHS FOIA professionals. In this reporting period, the DHS Privacy Office held training on the foreseeable harm standard during the DHS Sunshine Week Training Day.

DHS FOIA Processing Centers' additional responses:

*USCIS:*

- During new employee training for FOIA personnel, the importance of openness and the responsibility to apply the reasonably segregable approach to separate exempt information from non-exempt information is emphasized.
- When training non-FOIA USCIS employees on their responsibilities in supporting the USCIS FOIA Program, FOIA personnel stress the importance of openness and the public's statutory right to records not exempted under the FOIA.

## II. Ensuring Fair and Effective FOIA Administration

The Attorney General’s 2022 FOIA Guidelines provide that “ensuring fair and effective FOIA administration requires proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” The Attorney General also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

### A. FOIA Training

- 1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.**

The DHS Privacy Office prioritizes investing in training for DHS FOIA professionals, offering training opportunities throughout the year to both FOIA and non-FOIA employees across the homeland security enterprise to enhance the program’s efficacy.

During the reporting period, the Privacy Office launched a first of its kind DHS-wide FOIA Bootcamp. This program was open to both FOIA and non-FOIA professionals across the Department with a goal of enhancing FOIA literacy and providing an in-depth understanding of FOIA and transparency for personnel who may not interact with FOIA regularly. The program sessions were spread across a week and featured a variety of topics including basic requirements of the FOIA statute, application of exemptions, and Department records. Over 650 DHS employees participated in the program. In the future, the bootcamp will be offered twice yearly.

Additionally, the DHS Privacy Office hosted DHS FOIA employees for an annual Sunshine Week Training Day. Approximately 500 employees from DHS FOIA Processing Centers were invited for a day-long virtual training and awards program. The 2024 sessions included training on the foreseeable harm standard, a discussion on DHS transparency goals and initiatives, and how to leverage Artificial Intelligence (AI) and machine learning in FOIA processing.

Other ongoing training initiatives included the monthly “FOIA’s 9 on the 9<sup>th</sup>” training series that saw another successful year during the reporting period. Topics covered during this series included FOIA refresher training, Transparency and Proactive Disclosures, and Consultations and Referrals. Multiple specialized training sessions were also offered to FOIA staff such as processing Title 8 Section 1367 information under FOIA, FOIA Public Liaison responsibilities, and completing FOIA annual reports.

Lastly, the Privacy Office facilitated multiple component-wide training opportunities for non-FOIA professionals. The training provided agency personnel with an understanding of how they may interact with the FOIA during their employment with the Department. Topics



covered in this course included: FOIA requirements, FOIA exemptions, DHS FOIA program overview, and conducting a Search for Records. During the reporting period, over 1,000 non-FOIA Department employees attended these trainings.

The Privacy Office also sends email announcements to FOIA Officers across the Department prior to the training dates. Attendance by DHS FOIA staff is encouraged, and attendance is tracked to identify training program interests. Training presentations for the various programs and sessions offered throughout the year are made available to FOIA staff on the Department's intranet site, DHS Connect.

**2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?**

Yes. DHS FOIA professionals and personnel with FOIA responsibilities attended substantive FOIA training during the reporting period.

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

DHS FOIA Processing Centers' additional responses:

*CBP:*

- CBP FOIA employees attended the American Society of Access Professionals (ASAP) annual training conference.
- CBP conducted annual FOIA Training for FOIA professionals. Topics included an overview of the FOIA, FOIA exemptions and their application, fee waiver determinations, fee categories, and requests for expedited treatment.
- CBP FOIA employees attended the *Privacy Considerations on the Privacy Act for FOIA* professionals training.
- CBP FOIA conducted internal training for non-FOIA professionals. Topics included searches and record retrievals, explaining the new FOIA portal, FOIA processing system training, and applying exemptions simple and complex requests.
- CBP FOIA employees attended various DHS Privacy Office and DOJ FOIA training.

*CISA:*

- CISA FOIA personnel attended the required DHS and DOJ FOIA training programs.
- CISA FOIA personnel attended the ASAP FOIA/Privacy Act Training Workshop in September 2023. The interactive training focused on in-depth, advanced-level exploration of the FOIA and Privacy Act, as well as practical lessons.

*CRCL:*

- CRCL employees attended DHS FOIA Sunshine Training Day and participated in other online training opportunities.

*FEMA:*

- FEMA FOIA personnel attended various trainings during the reporting period. These trainings focused on FOIA customer service and the FOIA process from start to finish. Each training was conducted by FOIA subject matter experts who perform FOIA work at various agencies, bringing a level of expertise and first-hand knowledge to FEMA personnel.

*Federal Law Enforcement Training Centers (FLETC):*

- FLETC FOIA attended various DHS-led offerings as well as the 2023 ASAP Annual Training Conference.

*Federal Protective Service (FPS):*

- FPS full-time FOIA staff attended the 2023 ASAP Annual Training Conference. In addition, the FOIA staff and FPS regional FOIA liaisons participated in FOIA training and monthly FOIA presentations offered by the DHS Privacy Office.

*I&A:*

- I&A FOIA professionals attended DOJ FOIA training, the DHS Privacy Office monthly training series, and the 2023 ASAP Annual Training Conference.

*ICE:*

- ICE FOIA professionals attended the DHS Sunshine Week FOIA training. The FOIA Officer and Deputy FOIA Officer participated on panel discussions regarding proactive disclosures and career development.
- ICE full-time FOIA staff attended the 2023 ASAP Annual Training Conference.
- ICE mandates that all FOIA professionals attend all DOJ Office of Information Policy (OIP) training courses, specifically the Exemptions training and advanced FOIA training and litigation updates.
- ICE FOIA professionals attended the DHS Privacy “FOIA Bootcamp” and “FOIA’s 9 on the 9th.”
- ICE FOIA professionals conducted training for ICE FOIA employees and component employees on FOIA intake, FOIA exemptions, proper review of responsive records, and internal processes.
- ICE FOIA and the Office of Principal Legal Advisor conducted training on the foreseeable harm standard and drafting language for response letters.

*DHS Office of Inspector General (OIG):*

- OIG FOIA personnel attended DOJ FOIA exemption 1 and Exemption 7 training, FOIA Exemption 4 and Exemption 5 Training, Privacy Considerations Training, and advanced FOIA training.
- OIG FOIA staff participated in annual/quarterly FOIA report training, Chief FOIA Officer report training, and procedural requirements and fees training.
- OIG FOIA personnel attended DHS Privacy Office training, including the Privacy Act Refresher, Title 8 Section 1367 Training, and the DHS FOIA Boot Camp.

*Transportation Security Administration (TSA):*

- TSA FOIA professionals conducted training for newly appointed FOIA Points of Contact (POCs).
- TSA FOIA professionals conducted annual FOIA POC training.
- TSA required all FOIA staff to participate in the monthly DHS *FOIA's 9 on the 9th* training.
- TSA FOIA professionals completed DHS Sunshine Week training in March 2023.
- TSA FOIA professionals attended DOJ FOIA training courses.

*United States Coast Guard (USCG):*

- USCG FOIA implemented an FY 2024 strategic goal of conducting agencywide FOIA outreach during the reporting period. The objective is to educate agency offices about the FOIA process and increase the accurate and timely delivery of FOIA responses. USCG FOIA professionals provided ad-hoc FOIA training to USCG unit POCs upon request.
- USCG FOIA professionals provided internal training on FOIA correspondence.
- USCG's Legal Service Command provided comprehensive FOIA training to new FOIA POCs.

*USCIS:*

- USCIS FOIA professionals provided FOIA request intake and processing training for all newly hired FOIA professionals.
- USCIS FOIA professionals provided refresher training for all other USCIS staff on topics such as recognizing and processing alien investor and alien entrepreneur requests, specific document requests, processing law enforcement screen prints, Verification of Identity (VOI) and Consent, FOIA Immigration Records System (FIRST) Search tab and verifying responsive records, Title 8 Section 1367 protections, and FOIA for non-FOIA professionals.

*United States Secret Service (USSS):*

- USSS FOIA personnel attended various training programs during the reporting period, including the monthly DHS *FOIA's 9 on the 9th* training, DHS Sunshine Week Training Day, and the DHS FOIA Bootcamp.
- USSS FOIA attended and/or facilitated other training such as referral processing, and peer-to-peer cross-training.

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

The DHS Privacy Office instructs all DHS FOIA professionals to complete the *FOIA Training for FOIA Professionals* module each year. Further, DHS FOIA Officers are required to report on staff completion rates in the monthly DHS FOIA report.

The table below shows the completion rates as reported by the FOIA Processing Centers

during the reporting period.

Processing Center	Completion Rate
CBP	100%
CISA	100%
CRCL	100%
FEMA	100%
FLETC	100%
FPS	100%
I&A	100%
ICE	100%
OIG	100%
PRIV	100%
TSA	100%
USCG	85%
USCIS	100%
USSS	100%

- 5. OIP has 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% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.**

N/A

- 6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations and expectations during the FOIA process?**

The Chief Privacy Officer and Chief FOIA Officer facilitated a monthly briefing on FOIA obligations to political appointees onboarding to the Department. Additionally, onboarding training delivered to all new DHS employees includes privacy and FOIA training. On-demand training is also offered and delivered to DHS Components.

During the reporting period, four Components requested FOIA training for their workforce to include a FOIA statute review, exemption information, and how to conduct proper searches. These sessions are typically offered over multiple dates and are delivered Component-wide, to capture the largest attendance possible. All training is delivered virtually, and materials are available upon request. Lastly, the DHS FOIA Bootcamp was launched during the reporting period and was open to non-FOIA personnel across the Department. This program included sessions on conducting records searches and how to document searches and interacting with FOIA staff.

Department senior leadership routinely received FOIA briefings. Throughout the year, the Chief Privacy Officer and Chief FOIA Officer provided updates to senior leadership on the status of the DHS FOIA Program. The Chief Privacy Officer and Chief FOIA Officer and Deputy Chief FOIA Officer also hosted regular one-on-one meetings with DHS FOIA Officers. These meetings often included discussions on workloads, backlog reduction plans, staffing, and other FOIA-related topics.

DHS FOIA Processing Centers' additional responses:

*CBP:*

- CBP FOIA provides a weekly briefing report to FOIA senior leaders. In addition, FOIA provides a bi-weekly obligation report via email to all CBP Offices. This email includes information on FOIA statutory limits, records searches, applicable exemptions, and uploading responsive records to the FOIA office for review and processing.

*CISA:*

- During this reporting period, CISA underwent a reorganization. CISA's FOIA program is in the process of transferring from CISA's Office of the Chief of Staff to CISA's Office of Privacy, Access, Civil Liberties, and Transparency. During this reorganization, CISA's senior leadership was kept informed and often provided direction.
- CISA's FOIA operations are primarily handled by the DHS Privacy Office. CISA worked closely with the Department's FOIA Policy, Training, and Compliance Office to offer three training sessions for the to the CISA workforce. The attendees included CISA FOIA program staff and program subject matter experts.

*CRCL:*

- CRCL hosted bi-weekly meetings with CRCL leadership and staff, all-hands, and ad-hoc meetings throughout the year.

*FEMA:*

- FEMA added to its Standard Operating Procedures information on how requesters should be informed of FOIA requirements, including providing language to be used when communicating with requesters. FEMA routinely scheduled calls with requesters to discuss the processing of their requests.

*FLETC:*

- FLETC worked closely with non-FOIA professionals to respond to requests.

*FPS:*

- FPS, in coordination with the DHS Privacy Office, provided FOIA awareness training to its workforce (two sessions held in calendar year 2023), including hosting a town hall to answer FOIA questions. The FPS Privacy & Freedom of Information Office provided weekly broadcast messages and "newsletters" for all FPS employees focusing

on FOIA responsibilities, sharing news, tips, and more. FPS plans to offer more training opportunities to its workforce in calendar year 2024. FPS also plans to host regional FOIA liaison meetings and quarterly town halls.

*ICE:*

- ICE FOIA professionals conducted training virtually for ICE program staff who support FOIA program searches. This training provides an overview of the FOIA process and requirements for conducting a proper search for responsive records, the intake process, and the ICE FOIA program's role in reviewing the final response.

*OIG:*

- OIG FOIA professionals continued to communicate and meet with OIG FOIA POCs and staff in OIG program offices to explain responsibilities in complying with FOIA, the importance of timely searches, provide guidance on FOIA compliance, such as conducting thorough record searches, proper documentation of search processes, and the analysis of foreseeable harm during record reviews. OIG FOIA professionals also conducted regular training for OIG personnel.

*TSA:*

- TSA FOIA professionals provided annual training for POCs on their roles and responsibilities throughout the year. The training presentation was also made available on TSA's internal SharePoint site. TSA conducted FOIA training upon request for airports and program offices. The FOIA Officer provided routine briefings to senior leaders regarding FOIA exemptions and processing requirements.

*USCG:*

- USCG FOIA professionals conducted FOIA training for new employees, including FOIA professionals and senior leaders, during agency orientations.

*USCIS:*

- USCIS FOIA professionals provided FOIA training and information to offices throughout the agency with a focus on FOIA division responsibilities, regulatory guidance, agency records and obligations, FOIA exemptions, and a *FIRST System* overview. Training was provided on request. For this reporting period, eight presentations were requested and provided. In addition, USCIS FOIA routinely contacts USCIS offices concerning requirements for FOIA litigation and other requests.
- USCIS Senior leaders were provided updates on the agency FOIA program and resources throughout the year.

## **B. Outreach**

- 7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly?**

**Please describe any such outreach or dialogue and, if applicable, any specific examples.**

Yes. The Privacy Office encourages DHS FOIA Processing Centers to routinely communicate with requesters for various reasons, including to narrow the scope of voluminous requests. The Privacy Office offers various training programs to address navigating conversations with requesters. These trainings have been included in the *FOIA 9's on the 9<sup>th</sup> Series* and the Sunshine Week events. This topic was also covered in the 2023 inaugural DHS FOIA Bootcamp.

DHS FOIA Processing Centers provided the following additional responses:

*CBP:*

- CBP FOIA staff had conversations with requesters via direct contact or email to discuss narrowing the scope of requests, and the impact scoping has on processing times. For example, some of CBP's most voluminous requests involve email records. CBP often tries to negotiate narrowing the scope to specific email records sought. In these instances, CBP will guide the requester through types of emails, various date ranges, or how to identify keywords that CBP can then use to narrow the record set for processing.

*CRCL:*

- CRCL regularly reached out to requesters for clarification and to provide information about the function of CRCL and how records are maintained and where they are located.

*ICE:*

- ICE professionals worked with requesters to assist with crafting targeted FOIA requests to reduce response time. ICE proactively reaches out to requesters to obtain clarification on the scope of their requests. The office also routinely follows up with requesters regarding backlogged or delayed requests.

*FEMA:*

- FEMA routinely scheduled calls with requesters to discuss their requests, regardless of complexity. Requests often relate to disaster assistance and usually require a discussion with the requester focused on privacy interests and first party authorization.

*FLETC:*

- FLETC FOIA staff routinely communicate with requesters regarding voluminous requests. This is done via phone and/or email and serves to clarify or narrow the scope of a request.

*FPS:*

- FPS reaches out to requesters, on an as-needed basis, to discuss the request and to try to achieve desired results for the requester. FPS FOIA will reach out to a requester prior to finalizing a "no records" response in cases where it has been determined that scoping or re-writing may yield records.

*OIG:*

- OIG regularly communicates with the requester community explaining the OIG FOIA process. OIG works with requesters to rescope very broad and overly burdensome requests to facilitate more targeted searches and quicker response times.

*TSA:*

- TSA contacted FOIA requesters via email or phone for clarification to discuss the scope of requests and provide status updates. Additionally, TSA follows up with requesters on backlogged requests, working with them to narrow overly broad requests.

*USCG:*

- USCG triaged requests and contacted requesters to obtain clarification and/or narrow the scope of requests, where applicable, before they were assigned to specific offices for searches.

*USCIS:*

- The USCIS FOIA Significant Interest Group contacted FOIA requesters 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 requesters 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. Engaging with requestors in this manner is common practice within the USCIS FOIA program and ensures requestors receive the records they seek in the most efficient manner possible.

*USSS:*

- USSS contacted requesters regarding overly broad FOIA requests. USSS typically asks the requester to agree to interim releases if the request has over 2,500 pages.

**8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? 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 Deputy Chief FOIA Officer served as a member of the U.S. government FOIA Advisory Committee during the reporting period. This engagement helps the Department maintain its relationship with requesters and encourages collaboration with the requester community. The FOIA Advisory Committee meetings are regular opportunities to hear from other Committee members and interested members of the public.

DHS FOIA Processing Centers provided the following additional responses:



*ICE:*

- During the reporting period, ICE held a FOIA data transparency and engagement listening session for frequent requesters.

*OIG:*

- OIG proactively contacted requesters regarding request status and rescoping of complex requests. For example, after receiving complex FOIA requests for a broad range of documents involving several OIG program office records, the OIG FOIA Unit proactively met with program offices and record holders to determine if they possessed responsive records. The FOIA unit discussed with the program offices the voluminous nature of records requested and the length of time required to process them. The OIG FOIA Unit then discussed with record holders what searches would be more targeted and would result in quicker searches. The OIG FOIA team then worked with requesters to rescope their requests to retrieve responsive records more efficiently from record holders, process, and produce responsive records.

**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 Fiscal Year 2023 (please provide a total number or an estimate of the number for the agency overall).**

The Privacy Office FOIA Public Liaison responds to concerns or inquiries regarding requests processed by the Privacy Office and assists with component related FOIA issues. The Privacy Office estimates that requesters sought assistance from the Privacy Office’s FOIA Public Liaison approximately 45 times in the reporting period. Additionally, DHS worked during the reporting period to ensure each DHS FOIA Processing Center established a FOIA Public Liaison for their agency. All DHS FOIA Public Liaisons attended an information session on their duties led by OGIS and hosted by the Privacy Office.

DHS FOIA Processing Centers provided the following estimates:

Agency	Estimated Number of Times Requesters Sought Assistance from the FOIA Public Liaison
CBP	26,079
CISA	N/A
CRCL	0
FEMA	0
FLETC	75
FPS	N/A
I&A	0
ICE	75
OIG	3
PRIV*	45
TSA	20

USCG	0
USCIS	25,000
USSS	15
<b>DHS TOTAL</b>	<b>51,312</b>

**C. Other Initiatives**

**10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.**

Yes. The Privacy Office has issued performance metrics for DHS Processing Centers, and monitors progress monthly. The Privacy Office encourages FOIA Officers to analyze various data point trends in their office that can drive decision making for their program. The DHS Privacy Office also utilizes contract vehicles to assist DHS FOIA Processing Centers with surge capability when needed. Lastly, the Chief FOIA Officer and Deputy Chief FOIA Officer frequently meet with FOIA Officers across the Department to discuss workforce demands and ways to address them.

DHS FOIA Processing Centers’ additional responses:

*CBP:*

- CBP launched a workflow assessment during the reporting period to collect information on best practices, program performance, current workflow practices, trends, and backlog causes, and to develop a recommended course of action to help streamline and optimize the FOIA workflow. The final assessment will provide guidance to allocate CBP FOIA personnel. The anticipated end date of the assessment is in FY 2024.

*CISA:*

- CISA has analyzed and evaluated the allocation of agency personnel resources and is in the process of recruiting two additional FOIA analysts.

*CRCL:*

- CRCL added two contractors to support FOIA and disclosure work and anticipates onboarding new federal FTEs during the current fiscal year.

*I&A:*

- I&A evaluated its FOIA workload and ongoing litigation and has increased the size of the team from three FTEs in Fiscal Year 2022 to five FTEs during the reporting period.

*ICE:*

- ICE completed a workforce staffing model that is under validation. This will assist with determining future personnel needs based on the workload.

*FEMA:*

- FEMA's FOIA Office monitors the capabilities of the FOIA program and routinely reports on how well the agency is responding to the demands of the FOIA process. During the reporting period, funding was authorized for additional contractor support.

*FLETC:*

- FLETC has reviewed staffing needs and has requested funding for additional agency personnel.

*FPS:*

- FPS FOIA has reviewed staffing needs and as a result will increase its contractor staff. The goal is to provide additional support for the anticipated influx of requests related to Video Surveillance System (VSS) video data and the use of Body Worn Cameras (BWC) which will be launched in FY24/25 and is expected to lead to an increase in FOIA requests.

*OIG:*

- OIG continues to evaluate the need for additional FOIA personnel and resources for increased efficiency in FOIA processing.

*TSA:*

- TSA FOIA worked with TSA leadership to ensure the TSA FOIA program has adequate support to meet processing needs. TSA has included contract staff to meet the current and future FOIA demands.

*USCG:*

- USCG collaborated with leadership and DHS Privacy leadership to review the current staffing allocations and future needs for backlog reduction during the reporting period.

*USCIS:*

- USCIS routinely assesses the strength of its FOIA program. This is done through a review of the Annual Report data and by modifying workflows and processes where necessary. USCIS conducts quarterly compliance reports that analyze compliance rates and volume of backlogged requests. Dashboards, which provide real time updates by queue, are reviewed daily by FOIA leadership and are used to determine when resource shifts are needed. In addition, FOIA program leadership utilizes historical data and forecasting tools to advocate for additional positions. During the reporting period, USCIS conducted a time and motion study that provided data for a FOIA staffing and allocation model.

*USSS:*

- The USSS FOIA Office reviews staffing needs and hires accordingly.

**11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing**

**statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.**

The DHS Privacy Office maintains a monthly reporting dashboard that includes key statistics to track workloads across the FOIA program. The DHS Privacy Office uses these reports to identify resource needs or areas of improvement. The monthly reporting is also used to monitor progress against annual FOIA performance metrics. Each month, data is submitted to the DHS Privacy Office for compilation, and the Privacy Office sends an email highlighting the month's achievements and reported data points. DHS FOIA Officers have access to historical monthly data that can be used to help them monitor program efficiency and identify any gaps, bottlenecks, or areas for improvement.

DHS FOIA Processing Centers' additional responses:

*CBP:*

- CBP FOIA uses weekly production reports for FOIA staff and non-FOIA personnel who process requests. Various tools were used such as a FOIA processing system, Office 365 Excel, and Power BI. The information is presented in graphs and charts to visualize the workload and help with workload management.

*CISA:*

- CISA's FOIA case load is monitored by using the request processing system. Assignment of staff to intake and processing of CISA FOIA requests is determined by DHS Privacy as they assist CISA with FOIA processing. CISA's Office of Privacy, Access, Civil Liberties, and Transparency leadership tracks FOIA personnel workload by using weekly reports and performance plans.

*CRCL:*

- CRCL uses case management reports and ad-hoc staff output reports to monitor CRCL output.

*ICE:*

- ICE uses biweekly reporting data to track individual ICE FOIA staff output. This data is collected from the FOIA case management system and individual manual tracking. The ICE FOIA management team uses this data to make changes to FOIA performance goals, track employee performance, and assess program structural needs.

*FEMA:*

- FEMA FOIA tracking system maintains data on processing times for every phase of the FOIA life cycle. This data is routinely reviewed to identify any bottlenecks in the process and to assess how well the agency is responding to incoming requests. FEMA FOIA also tracks the appeal and litigation rate as a measure of requester satisfaction with responses; less than 3% of responses result in an appeal or litigation.

*FPS:*

- FPS uses the FOIA tracking and processing system to identify FOIA metrics, including

number of requests and time spent processing requests.

*OIG:*

- OIG continues to produce weekly and monthly reports that provide a status of the agency's FOIA program. Data in these reports are analyzed and utilized for a variety of FOIA program improvements such as processing areas in need of more resources, processing more effectively, and tracking improvements in backlog reduction rates.

*TSA:*

- TSA established processing plans to close its 10 oldest FOIA requests and appeals, process and close its remaining consultations and open 2018 requests, and close 50% of remaining 2019 requests. TSA also used metrics to monitor and track the number of pending cases closed in FY 2023.

*USCG:*

- USCG provides briefings to senior leadership, including a breakdown of the total number of open requests, the total backlogged requests, and the progress made on closing requests.

*USCIS:*

- USCIS utilizes a robust FOIA processing system which has a performance dashboard to track, monitor, and display metrics for three main processes: Case Create, Case Processing, and Case Approving. In addition, supervisors may run a variety of reports to further evaluate effectiveness and efficiency and make workflow changes where needed.

*USSS:*

- The USSS FOIA Office uses case management reports, staff processing metrics, and daily processing and intake statistics in employee mid-year and year end performance plans.

**12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.**

DHS FOIA Processing Centers' additional responses:

*FPS:*

- FPS has solicited the assistance of regional staff to serve as FOIA liaisons as a collateral duty. This effort helps with responding to and fulfilling the FPS FOIA responsibilities.

*USCIS:*

- USCIS ensured all proactive disclosures to the USCIS Electronic Reading Room are 508 compliant. In FY 2023, USCIS FOIA personnel also worked with the USCIS E-Communications Team to add a feature on the Administrative Appeals website to narrow searches for decisions by topic, month, and year. These efforts enhance the

requesters' experience.

### III. Proactive Disclosures

The Attorney General's 2022 FOIA Guidelines emphasize that "proactive disclosure of information is fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."

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

The DHS Privacy Office encourages proactive disclosures by DHS FOIA Processing Centers and tracks records and pages added to the Components' FOIA libraries. The weekly and monthly reports compiled by the DHS Privacy Office have reportable fields for both records posted and total pages posted. While each FOIA Office at the Department determines which records to proactively post, the DHS Privacy Office encourages uniformity and consistency where possible. For example, the Privacy Office focused on proactive disclosures during its monthly training series, including sharing best practices for proactive disclosure and suggesting topics for proactive disclosure. Additionally, the DHS Privacy Office asked all DHS FOIA Offices to complete the DOJ self-assessment module section regarding proactive disclosures during the reporting period. Data collected from the module completions will be used to review commonalities and prepare updated suggested best practices materials for the DHS FOIA program.

DHS FOIA Processing Centers' additional responses:

*CBP:*

- CBP proactively posted documents of interest to the public on the CBP Reading Room. Records are identified by significant topic or media interests.

*CRCL:*

- CRCL has a transparency team that works to identify, process, clear, and proactively post 508 compliant records.

*I&A:*

- I&A FOIA is developing standard operating procedures that will include procedures and guidance for proactive disclosures.

*ICE:*

- ICE has established specific records that the ICE programs must provide for proactive disclosure upon being finalized. Additionally, ICE FOIA will post (a)(2) provision documents as they are released or when the program offices identify new policies or procedures that should be proactively disclosed.

*FEMA:*

- FEMA currently adheres to the “rule of three” and will post records online once those records are sought by three or more requesters. Requests are monitored by the FOIA office which coordinates with the DHS Privacy Office to make records available via FEMA’s reading room. All other (a)(2) disclosures are uploaded by the program offices to the FEMA Website.

*FLETC:*

- FLETC’s current procedures include posting the FOIA annual report online. Rarely does FLETC receive requests for records more than once. During the reporting period, FLETC has not identified any other records that meet the proactive disclosure criteria in accordance with 5 U.S.C. § 552(a)(2)(D).

*OIG:*

- OIG produced and posted FOIA request logs on DHS-OIG’s publicly accessible electronic reading room.

*TSA:*

- TSA reviewed weekly FOIA case closures during the reporting period to identify records that should be proactively posted. Further, other records were posted to the TSA FOIA reading room.

*USCG:*

- USCG FOIA maintains awareness of agency actions of high interest to the public such as events in the media or subject matters that are in high demand. The USCG FOIA office coordinates with the individual program office likely to have records and notifies the office of the trend to suggest proactively posting the records online.

*USCIS:*

- USCIS FOIA personnel work with multiple offices within USCIS to identify records to post to the USCIS Electronic Reading Room). An internal email box is used to facilitate the identification, tracking, and posting of records to the USCIS Electronic Reading Room.

*USSS:*

- USSS FOIA intake tracks and flags all similar and duplicative requests. Intake looks for topics of significant public interest or topics requested three or more times for proactive disclosure.

**2. How long after identifying a record for proactive disclosure does it take your agency to post it?**

Each FOIA processing center within the Department is responsible for proactively posting its own record sets and developing its own workflows and time frames within which to post.

DHS FOIA Processing Centers’ responses are as follows:

*CBP:*

- CBP posts records identified for proactive disclosure up to 24 hours after they have completed the review process.

*CRCL:*

- CRCL is working to increase proactive disclosures. CRCL plans to have better data in FY 2024 to measure the time it takes to post.

*ICE:*

- ICE FOIA strives to process and post all documents for proactive disclosure within one week after receipt or identification.

*FEMA:*

- FEMA tries to proactively post records within 1-2 weeks of processing.

*OIG:*

- OIG was able to post records almost immediately once they were determined to be for proactive disclosure.

*DHS Privacy Office:*

- The DHS Privacy Office FOIA team typically posts records identified for proactive disclosure within 3-5 business days.

*TSA:*

- TSA FOIA posts records within one to two business days after the records have been identified.

*USCG:*

- USCG posts records as soon as possible. Depending upon the volume of the records for review, it may take 1-2 days or up to a few weeks to post records online.

*USCIS:*

- USCIS records are posted within 10 business days of being identified for proactive disclosure.

*USSS:*

- USSS FOIA posts any records that fall under the proactive disclosure determinations within one day of the records being released.

**3. Does your agency post logs of its FOIA requests?**

- **If so, what information is contained in the logs?**
- **Are they posted in CSV format? If not, what format are they posted in?**

Each FOIA processing center within the Department is responsible for posting its own record sets, including FOIA logs.



DHS FOIA Processing Centers' responses are as follows:

*CBP:*

- CBP posts FOIA logs. Data included within the posted logs are Request ID, Requester Name, Request Description, and Request Status. The files are posted as .pdfs.

*FEMA:*

- FEMA posts FOIA logs in CSV format. They include the Request Number, Organization if applicable, Received Date, and Request Description.

*FLETC:*

- FLETC posts FOIA logs in .pdf format. They include the following data points: Request Number, Organization, Received Date, and Request Description.

*ICE:*

- ICE posts FOIA logs monthly for received and closed requests. The "Received" log contains the Request ID, Received Date, Requester, Organization, and Request Designation. The "Closed" log contains the Request ID, Received Date, Request Complete Date, and Disposition. ICE FOIA logs are posted as Excel documents.

*OIG:*

- OIG posts FOIA logs. Information in the logs includes FOIA Case Number, Date Received, Request Description, and Final Disposition. The files are posted as 508 compliant pdfs.

*TSA:*

- TSA posts FOIA logs in pdf format. Information in the logs includes Request ID, Received Date, Requester Name, Organization Name, and Request Description.

*USCG:*

- USCG FOIA logs are posted and include the Received Date, Request Number, Request Description, Requester Name, and the Requester's Organization. USCG posts logs in pdf format.

*USCIS:*

- USCIS FOIA has historically responded to requests for FOIA logs as they are received; however, USCIS is working to proactively post FOIA logs to the USCIS Electronic Reading Room. The FOIA logs contain all USCIS FOIA requests received during a calendar month and provide the Control Numbers, Request Source, Request Type, Category, Track, Received Date, Created Date, and Office of each request. The FOIA logs are exported and reviewed in Excel.

- 3. 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.**

The DHS Privacy Office posts records to the DHS FOIA Library webpage on topics that generate high levels of public interest. For example, the DHS Privacy Office posted during the reporting period records related to civil unrest, protests in major U.S. cities, and records released in FOIA litigation. The records are available here: [FOIA Library | Homeland Security \(dhs.gov\)](#).

DHS FOIA Processing Centers' additional responses:

*CBP:*

- CBP posted records on the following topics during the reporting period: Civil Unrest, CBP Body-Worn Camera Videos, Humanitarian Parole and Zero Tolerance. CBP records are available here: [FOIA Reading Room | U.S. Customs and Border Protection \(cbp.gov\)](#)

*CRCL:*

- CRCL posted onsite investigation memos and CRCL recommendation and investigation memos, available here: [Transparency in Civil Rights Investigations](#).

*FEMA:*

- FEMA uploaded records about its Assistance program, including training manuals and guidance to staff that provide assistance to disaster survivors seeking housing and assistance from the Agency: [FEMA Records | Homeland Security \(dhs.gov\)](#)

*I&A:*

- I&A is evaluating steps it can take to make posted information more useful to the public. This evaluation is part of an overall initiative to improve transparency with external stakeholders. I&A records are available here: [Intelligence and Analysis FOIA Library | Homeland Security \(dhs.gov\)](#)

*ICE:*

- ICE proactively posted records to the ICE FOIA library during the reporting period, including records related to Prison Rape Elimination Act (PREA) reports, Detention Facility Compliance Inspection reports, Detention Contract facility documents, FOIA logs, and ICE Directives. The ICE FOIA Library is available here: [FOIA Library | ICE](#)

*OIG:*

- OIG proactively posts FOIA logs. The OIG reading room is available here: [FOIA Reading Room | Office of Inspector General \(dhs.gov\)](#)

*TSA:*

- TSA proactively disclosed records including Throughput data, FOIA Logs, TSA Contact Center Traveler Complaints reports, and TSA Contact Center Quarterly reports. The records are available here: [TSA FOIA Reading Room](#)

*USCG:*

- USCG posted records relating to the fire aboard the cutter, BENAJIMN DAILEY; the collision involving the cutter, WINSLOW GRIESSER; the final report concerning the FOULED ANCHOR investigation; and the 2015 Culture of Respect report, available here: [Frequently Requested Records \(uscg.mil\)](https://uscg.mil)

*USCIS:*

- USCIS posted 201 records to the USCIS Reading Room in FY 2023. Records posted include congressional correspondence, stakeholder engagement notes, USCIS program information, and items requested three or more times. Records are available here: [Electronic Reading Room | USCIS](#). USCIS also proactively publishes additional items of interest on the USCIS.gov website including immigration policy and procedural memoranda, immigration, and citizenship data, and Administrative Appeals Office decisions.

**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?**

Yes. The DHS Privacy Office maintains the DHS FOIA Website. The site is frequently reviewed to ensure duplicative or outdated information is removed and make the posted information more useful to the public. Additionally, DHS has standardized naming conventions for the way information is labeled prior to posting to make the files easier to locate.

CBP, CRCL, FEMA, ICE, OIG, TSA, USCG, and USCIS reported taking additional steps to make information posted to their websites more useful to the public.

**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.**

DHS FOIA Processing Centers provided the following responses:

*CBP:*

- CBP added search fields to the FOIA Reading Room and updated the Accessibility Note with a new email address for 508 compliant requests.

*CRCL:*

- CRCL engaged the Office of Accessible Systems and Technology to hire resources via contract to complete 508 remediation for all materials it posts in its libraries.

*DHS Privacy Office:*

- PRIV reviewed the FOIA Library during the reporting period. The DHS FOIA Library allows for key word searches to locate specific records. The site is also reviewed

periodically for duplicative postings or outdated information to make posted records as useful as possible to the public. Additionally, records are 508 compliant before posting to the extent possible.

*FEMA:*

- FEMA often converts agency files to csv, zip, or .pdf files before posting. This makes the files easier to access by the public.

*ICE:*

- ICE posted all documents in various formats, including Excel, to make the information easier to open and read.

*OIG:*

- OIG FOIA ensures all .pdfs posted in the reading room have completed Optical Character Recognition (OCR) and are 508 compliant.

*TSA:*

- TSA posts various reports and data in .pdf format to make the document easier to navigate.

*USCG:*

- USCG is working with Public Affairs to explore additional types of records that can be posted on the USCG site, to include audio files. Records are currently posted in .pdf format to ensure their security and useability.

*USCIS:*

- USCIS FOIA personnel worked with USCIS E-Communications Team to add a feature on the Administrative Appeals website to narrow searches for decisions by topic, month, and year.

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

DHS FOIA Processing Centers provided the following responses:

*CBP:*

- CBP FOIA collaborates with the CBP Office of Public Affairs which reviews documents to ensure compliance with CBP.gov Document Guidelines. All documents uploaded to the CBP Reading Room must be Section 508 compliant and be approved by the CBP Office of Public Affairs Publications Team and the CBP Branding Review Board.

*CRCL:*

- CRCL coordinates with other offices prior to proactively posting records. The transparency team responsible for posting records includes personnel from the CRCL

FOIA Office, CRCL Compliance Branch, DHS Office of the General Counsel, CRCL Office of Accessible Systems & Technology, and CRCL Communications.

*DHS Privacy Office:*

- PRIV worked closely with the Office of the General Counsel to establish a notification of posting process during the reporting period. This process serves to clear any records prior to proactive posting by an Office of the General Counsel attorney. This process affords the Office of the General Counsel an opportunity to learn of any high interest records sets to be posted, as well as an opportunity to ensure records are properly processed to safeguard any privileges prior to posting.

*FEMA:*

- FEMA coordinates with the agency's web team to upload information or make changes to content on webpages. Coordination also takes place to help find ways to upload large files or convert files to a more accessible format prior to posting.

*ICE:*

- ICE coordinated with various ICE program offices such as the Office of Public Affairs, Office of Principal Legal Advisor, and Office of the Chief Information Officer (IT personnel), where applicable, to proactively disclose material.

*TSA:*

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

*USCG:*

- USCG FOIA worked with the record holding office to obtain records for posting, the headquarters legal office to ensure proper exemptions were applied, and the Office of Public Affairs.

*USCIS:*

- USCIS FOIA personnel work with USCIS E-Communications Team personnel to publish records to the USCIS Electronic Reading Room.

**8. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.**

DHS FOIA Processing Centers' additional responses:

*CRCL:*

- CRCL sought additional resources for 508 remediation. CRCL is working on institutionalizing processes for prompt affirmative posting of documents as soon as possible after they are issued and ready for release.

*ICE:*

- ICE implemented a new report within the case management system that automates the monthly FOIA logs with minimum processing required. By adding a “Request Designation” drop down to each request, ICE can label all “first party”, “third party”, or “other” requests upon receipt reducing time spent reviewing logs for these case types. This report has allowed ICE to produce years of backdated FOIA logs during the reporting period.

*USCIS:*

- USCIS continually reviews website layout and design to make it easier and more user friendly. Proactive disclosures in the USCIS Electronic Reading Room are 508 compliant. Categories were streamlined across the USCIS website to make searching for records on specific topics more user friendly.

## **IV. Steps taken to Greater Utilize Technology**

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General’s 2022 [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](#) interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

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

Yes. The DHS Privacy Office continued updating its FOIA processing system. Updates made include moving the system to a cloud-based server to ensure the system had maximum performance capability and developing new technology to maximize efficiency. The DHS Privacy Office continues to facilitate trainings and priority updates for the FOIA Processing Centers who use this system to ensure that system tools and functionality are maximized. All but three DHS FOIA Processing Centers utilize the new FOIA processing system.

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

DHS FOIA Processing Centers provided the following responses:

*CBP:*

In October 2023, CBP’s former FOIA processing system was decommissioned and CBP migrated fully to the new DHS FOIA processing system.

*CISA:*

- CISA currently utilizes the same technology as DHS PRIV/FOIA to process requests. CISA also utilizes a separate Correspondence Tracking System to track all FOIA Request search taskings that are sent to program POCs.

*CRCL:*

- CRCL continued to fully integrate the DHS Privacy FOIA processing system during the reporting period.

*FEMA:*

- FEMA continued to fully integrate the DHS Privacy FOIA processing system during the reporting period.

*TSA:*

- TSA continued to fully integrate the DHS Privacy FOIA processing system during the reporting period.

*USCIS:*

- USCIS began receiving FOIA requests through an Application Programming Interface (API) during the reporting period. FOIA API enables immigration attorneys and paralegals to request immigration records from USCIS using their own software. The FOIA API allows USCIS to intake, process, provide a case status, and return requested information to software used by immigration law firms.

*USSS:*

- USSS uses an E-Discovery software for efficiently sorting through high volume email records located during a search.

**3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.**

Yes. The FOIA processing system used across multiple DHS FOIA Processing Centers includes information processing tools that assist with de-duplication, application of exemptions, and key word list building. The system can also perform complex analytics such as keyword mapping and email threading.

DHS FOIA Processing Centers' additional responses:

*CBP:*

- CBP FOIA utilizes the Robotic Process Automation (RPA) BOT system. The FOIA Bot conducted 22,873 searches and closed 32,789 requests saving CBP FOIA approximately 8,000+ man hours and \$500,000+ in costs during FY 2023.

*ICE:*

- ICE FOIA uses a litigation review platform and video processing software in addition to the FOIA processing system. Both tools allow for automation and assisted review.

*OIG:*

- OIG FOIA uses a litigation review platform and automation tools to assist in reviewing potentially responsive records.

*USCIS:*

- USCIS FOIA does not use artificial intelligence tools to automate record processing. USCIS is exploring whether optical character recognition tools may be used to facilitate FOIA request intake processes.

**4. 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?**

Yes. The DHS Privacy Office maintains the DHS FOIA website. The website is modified and updated as needed. During the reporting period, the Privacy Office updated FOIA Officer and FOIA Office contact information. Additionally, the website is updated to make the site more user friendly. This includes using plain language or standardizing the way information is labeled or loaded to the site.

CISA, FEMA, FLETC, ICE, TSA, USCG, USCIS, and USSS, reported that their websites were reviewed during the reporting period.

**5. Did all four of your agency's quarterly reports for Fiscal Year 2023 appear on FOIA.gov?**

Yes.

**6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2024.**

N/A

**7. 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 2022 Annual FOIA Report and, if available, for your agency's Fiscal Year 2023 Annual FOIA Report.**

[FOIA Annual Reports | Homeland Security \(dhs.gov\)](#)

**8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?**



The DHS Privacy Office ensures interoperability standards are met by all DHS Components that use the new FOIA processing system. Those 12 FOIA Processing Centers may receive FOIA requests directly via API. Further, all DHS FOIA Processing Centers use electronic databases to manage FOIA operations.

**9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.**

DHS FOIA Processing Centers' additional responses:

*USCIS:*

- USCIS encourages requestors to submit requests through its online FOIA portal – FIRST. USCIS also began receiving FOIA requests in FIRST submitted through the FOIA API in September 2023. The FIRST application pursues technological innovations that reduce data entry for digital requests, case processing times, and potential errors.

## **V. Steps taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs**

The Attorney General's 2022 FOIA Guidelines instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

### **A. Remove Barriers to Access**

#### **1. Has your agency established alternative means of access to first-party requested records, outside of the typical FOIA or Privacy Act process?**

First-party requests constitute the bulk of DHS FOIA requests. The DHS Privacy Office encouraged DHS FOIA Processing Centers to provide alternative means of access to these records where possible.

The DHS Privacy Office is committed to engaging the requester community on and reviewing these issues where possible. As such, during the reporting period the DHS Privacy Office launched an independent assessment to review first-person FOIA requests across the Department. The Department will consider findings from the assessment and implement alternative means for access as appropriate.

Another active effort to address the large number of first-party requests received at the Department is the executed Memorandum of Agreement (MOA) between USCIS FOIA and ICE FOIA. This multi-year MOA allows USCIS to process ICE records contained in an a-file by following ICE guidance and with ICE quality control review. This allows many requests to

bypass the referral and intake process, ultimately providing first-party records to requesters more quickly. Under this agreement, ICE provided quality control review to more than 94,000 first-party requests during FY 2023.

As described below, DHS FOIA Processing Centers assess whether certain records could be made accessible outside of the FOIA process.

CBP, CRCL, FEMA, FLETC, TSA, and USCIS reported that they established alternative means for access to first-party requesters.

**2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.**

*CBP:*

- CBP allows various nonimmigrant travelers to view their United States arrival and departure history for the past 5 years outside of the FOIA process by accessing the I-94 webpage. Requesters may also access the amount of time they may remain in the United States through the same webpage.

*CISA:*

- CISA FOIA does not provide alternate access for first-party requests currently. The reason is that requests for CISA information are processed by the DHS Privacy Office and follow the available DHS Privacy Office methods of submission and access.

*CRCL:*

- CRCL allows complainants access to their records as part of the Equal Opportunity Employment (EEO) process which is outside of the FOIA process.

*FEMA:*

- FEMA has established Disaster.gov, allowing disaster survivors to obtain information about their claims without submitting a FOIA request.

*FLETC:*

- FLETC utilizes a program support contract to assist in responding to first-party requested records. Additionally, former FLETC students can request their own transcripts outside of the FOIA process by accessing the transcript request page on FLETC's website.

*FPS:*

- FPS does not have an alternate means of access outside of the FOIA. Many FPS records are law enforcement sensitive. These records require the FOIA review process for public release.

*I&A:*

- I&A does not provide alternative access to first-party requests at this time as the number of first party requests received is minimal.

*ICE:*

- ICE does not offer access outside of the FOIA process. ICE has determined a separate first-party request solution is cost prohibitive.

*OIG:*

- OIG FOIA does not offer any alternatives for first-party request access as the number of first-party requests is minimal.

*TSA:*

- TSA does not have an alternate means within the agency; however, first-party requesters are directed to the Office of Personnel Management when they seek their own employment records after they have separated from the agency for more than 90 days. TSA also refers first-party requesters who ask for their entire background investigation file to the Defense Counterintelligence and Security Agency (DCSA) for a direct response.

*USCG:*

- USCG will contact offices that have the potential to grant access to first-party records upon intake, based on the records sought. After discussing, if it is possible to provide records outside of the FOIA process, USCG FOIA will work with the custodial office to create a process for records access.

*USCIS:*

- The majority of FOIA requests received by USCIS are filed by individuals seeking access to their own immigration file. As USCIS moves to the electronic filing of immigration forms, submitters will have access to applications, petitions, and supporting documents submitted online through an individual's *myUSCIS* account, thus reducing the reliance on the FOIA for access to parts of their immigration record.

*USSS:*

- USSS does not have alternate means to obtain first-party requested records because the number of first party requests received is typically low since the type of records sought are usually employment records.

**3. Please describe any other steps your agency has taken to remove barriers to accessing government information.**

DHS FOIA Processing Centers' additional responses:

*FEMA:*

- FEMA FOIA Office intake personnel reach out to first-party requesters to explain the process and that they have the option to obtain their information using other routes of access.

*ICE:*

- ICE has made numerous revisions to the information provided within the public facing

portal to reduce the number of misdirected requests. This helps to provide more information about record locations within and outside of ICE by educating requesters on which agency maintains specific forms and information.

## **B. Timeliness**

**4. For Fiscal Year 2023, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2023 Annual FOIA Report.**

3 days

**5. 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 2023 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

**6. Does your agency utilize a separate track for simple requests?**

Yes.

**7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2023?**

Yes.

**8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?**

N/A

**9. Please provide the percentage of requests processed by your agency in Fiscal Year 2023 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.**

3.3% of the Department's FY 2023 processed FOIA requests were placed in the simple track.

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

N/A

## C. Backlogs

### Backlogged Requests

**11. If your agency had a backlog of requests at the close of Fiscal Year 2023, 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 2022?**

No, the backlog did not decrease.

**12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2023 than it did during Fiscal Year 2022?**

Yes. The Department processed 79,466 more requests in FY 2023 than in FY 2022.

**13. If your agency's request backlog increased during Fiscal Year 2023, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.**

Compared to FY 2022, the Department processed more requests and received more requests than ever before. It is estimated that the increase in cases was about 24%. The Chief FOIA Officer and Deputy Chief FOIA Officer are working with FOIA Officers across the Department to review workloads and resources to support future processing needs.

DHS FOIA Processing Centers' additional responses:

#### *CBP*

- The increase in the CBP FOIA backlog can be attributed to several factors. CBP estimates that based on the number of requests received in FY 2023, nearly 66 full time positions would be needed to keep up with demand. Additionally, not only did CBP receive an increased number of incoming requests, requests received continue to grow in complexity. CBP FOIA staff also assist in processing FOIA cases in litigation to meet court ordered production deadlines. This often impacts initial processing and contributes to the backlog of requests.

#### *CRCL:*

- The CRCL backlog increase can be attributed to receiving more requests than the year prior and a loss of processing staff to meet the demand. CRCL has also noticed an increase in the complexity of incoming requests.

#### *CISA:*

- CISA has noticed an increase in the complexity of incoming FOIA requests during the last fiscal year. For example, record searches are taking more time and are yielding large document sets.

*FEMA:*

- FEMA FOIA received an increase in requests in FY 2023. Typically, there are periods of plateaus throughout the fiscal year; however, incoming requests steadily increased all year. This contributed to the backlog.

*FLETC:*

- FLETC FOIA is seeing an increase in requests for email records, which is creating more voluminous record sets to be processed. Additionally, FLETC is now utilizing Body Worn Cameras. Accordingly, the FOIA office purchased a tool to process responsive recordings. This tool was not available until the first quarter of FY 2024, resulting in backlogged processing of requests for Body Worn Camera footage.

*ICE:*

- ICE's backlog increased in FY 2023 as the rate of incoming requests exceeded available resources to process the requests. Additionally, FOIA staffing vacancies, an increase in the complexity of requests received, and public interest in agency initiatives (resulting in increased requests) contributed to the backlog. Finally, ICE has seen an increase in large data requests, sometimes seeking data for a period of over five years, and requests that require tasking to three or more program offices.

*DHS Privacy Office:*

- The increase in backlogged requests at the DHS Privacy Office was due to many factors. Notably, there was an increase in the number of requests received, as well as an increase in litigation, staff turnover, and voluminous potentially responsive record sets.

*TSA:*

- TSA FOIA saw an increase in the number of incoming requests while working to address a reduction in staff. The program also noted an increase in the complexity of the requests received such as first party requests for internal investigation records, management inquiries, and requests of media interest. Most of the requests received were voluminous. Litigation also increased.

*USCG:*

- USCG FOIA staff also processed records in response to several Congressional inquiries. This support resulted in reduced staff dedicated to processing backlogged requests.

**14. 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 2023. 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."**

The percentage of requests that make up the Department's backlog out of the total number of requests received in FY 2023 is 9.47%.

### **Backlogged Appeals**

**15. If your agency had a backlog of appeals at the close of Fiscal Year 2023, 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 2022?**

No, the backlog did not decrease.

**16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2023 than it did during Fiscal Year 2022?**

No.

**17. If your agency's appeal backlog increased during Fiscal Year 2023, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.**

The Department's appeal backlog did not decrease in FY 2023. The lack of decrease is due to many contributing factors, namely the increase of total volume of requests received. Resources across the DHS FOIA program remained largely the same while workload increased by 24%, as noted above.

DHS FOIA Processing Centers' additional responses:

*ICE:*

- ICE's appeal backlog increased in FY 2023 as the rate of incoming requests exceeded available resources to process requests. Additionally, FOIA staffing vacancies, an increase in the complexity of requests received, and public interest in agency initiatives (resulting in increased volume) contributed to the backlog.

*TSA:*

- TSA FOIA saw an increase in the number of backlogged appeals because of strains on resources.

*USCG:*

- USCG did not see a decrease in backlogged appeals because its appeals staff assisted with additional/separate records review.

**18. 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 2023. 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 2023 and/or has no appeal backlog, please answer with "N/A."**

The percentage of appeals that make up the backlog out of the total number of appeals received in FY 2023 is 8.3%.

#### **D. Backlog Reduction Plans**

**19. In the 2023 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your 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 2023?**

Yes. The Department carried out and completed the 2021-2023 Departmental Backlog Reduction Plan during the reporting period. Efforts included reviewing staffing, continuing to modernize FOIA IT infrastructure, and investing in training and guidance for employees and processors. Other highlights included expanding training offered to both FOIA and non-FOIA employees through the DHS FOIA Bootcamp, moving the FOIA processing system to a cloud computing environment, and processing a record number of FOIA requests in FY 2023.

DHS FOIA Processing Centers' additional responses:

*CBP:*

- Yes, CBP implemented a backlog reduction plan. The objectives of the plan were to increase staffing, provide overtime availability, and update technology. To carry out the plan, the CBP FOIA Office received five new full-time employees from other CBP offices. The office also added BOTs to assist with processing requests which saved manual man hours.

*ICE:*

- ICE implemented a backlog reduction plan that included hiring additional FTEs and contractors; however, the increased number of incoming requests significantly outpaced ICE's predictions from early FY 2023. Additionally, ICE experienced unforeseen delays in hiring FTEs and contractors. To overcome these hurdles, ICE utilized TDY personnel from within the agency and DHS contract staff, and authorized overtime and compensation time to reduce the backlog.

*TSA:*

- TSA implemented a backlog reduction plan. A key part of the plan included targeting certain years of FOIA requests for processing and closure. TSA FOIA leadership also met regularly to identify and discuss whether there were any problems or issues with processing older FOIA requests within a set time frame.

*USCG:*

- USCG's backlog reduction plan included offering overtime for contracting staff to assist with the additional review and processing of backlogged cases. The USCG will



continue to provide offices with targeted assistance to process common requests.

*USCIS:*

- USCIS was able to reduce its backlog in FY 2023. USCIS created a multi-faceted backlog reduction plan which included people, processes, and technology. USCIS hired additional higher level Government Information Specialists to address the increase in complex agency record requests and made improvements to the FIRST processing system. Additionally, USCIS increased E-Discovery capabilities, allowing USCIS to provide records in a timelier and more consistent manner.

**20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2023, please explain your agency's plan to reduce this backlog during Fiscal Year 2024.**

The Department will work to reduce the backlog in FY 2024. The DHS Privacy Office continues to review monthly FOIA reports to identify any patterns, trends, or gaps in processes that may be addressed this fiscal year and beyond. The modernized FOIA reporting dashboard allows comparisons of historical data compared to current monthly reports. This information is also accessible by each FOIA Processing Center and is used by the DHS Privacy Office to support FOIA Processing Centers across the Department.

DHS FOIA Processing Centers' additional responses:

*CBP:*

- CBP will work to update its use of BOTs and explore creating additional BOTs, secure a contract for FY 2024 to 2028 FOIA support contractors, request additional funding for staff and overtime, continue to offer FOIA training, utilize temporary duty (TDY) staff s, and proactively post to the CBP FOIA Reading Room. CBP will also review the ongoing workflow assessment and incorporate additional solutions.

*ICE:*

- In FY 2024, ICE FOIA plans to fill all vacant FTEs and continue utilizing contract staff to reduce the backlog. ICE will authorize overtime and utilize TDY staff, as needed. ICE has also implemented various changes in the processing workflow that have increased efficiencies for responding to older first and third-party requests and "no records" responses. ICE has also reached out to requesters to encourage the use of the FOIA Portal for submitting requests as opposed to email or mail, further streamlining the process. ICE will also coordinate with the ICE Component programs to develop a plan of action for reducing their time to respond to records searches.

*USCIS:*

- USCIS continues to undertake substantial efforts with respect to its overall FOIA program, including, but not limited to bolstering resources/personnel, continued use of E-Discovery software, and deploying additional technological enhancements to its processing system to improve efficiency. In addition, a time and motion study was conducted in FY 2023, which will be used for FOIA staffing and allocation model in FY 2024.

## **E. Reducing the Age of Requests, Appeals, and Consultations**

### **Ten Oldest Requests**

**21. In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?**

No.

**22. 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 2022 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

DHS closed nine of the ten oldest pending perfected requests.

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

The DHS Privacy Office issued performance metrics and compiled the monthly Departmental FOIA report to maintain oversight of FOIA operations across the enterprise. Additionally, creating backlog reduction plans is encouraged for those FOIA Offices that may benefit from them. DHS Privacy provides assistance to develop backlog reduction plans. Contract assistance is also available through the DHS Privacy Office to support FOIA Processing Centers.

DHS FOIA Processing Centers' responses are as follows:

#### *CBP:*

- CBP made efforts to reduce the overall age of pending requests, including proactively posting documents that were of interest to the public on the CBP Reading Room. FOIA staff also engaged with requesters via direct contact or email to discuss narrowing the scope of their request when it could significantly reduce the processing time. The most voluminous requests contain emails which encompass a wide range of equities. Narrowing the scope of the types of email records sought (e.g., specific mailboxes, time frames and subject matter (including keywords)) often proves beneficial.

#### *CISA:*

- CISA FOIA personnel worked during the reporting period to reduce the age of pending requests. Internally, CISA's FOIA program has worked closely with FOIA SMEs across the agency to expedite the preparation of responsive records. This coordination has allowed CISA programs to thoroughly gather the necessary records, review for accuracy, and determine the necessary exemptions in a timelier matter; resulting in quicker FOIA responses being sent to requestors.

#### *CRCL:*

- CRCL anticipates onboarding new federal FTEs during FY 2024 to keep up with workload demands.

*FEMA:*

- FEMA worked with its program offices during the reporting period to identify ways to conduct tasked searches in a timelier manner. This work is ongoing to reduce the search time for taskings and ultimately to respond to the requester.

*FLETC:*

- FLETC has been engaging with requesters where possible to modify or clarify their requests. This helps to ensure that the FLETC FOIA office is processing the request as efficiently as possible.

*ICE:*

- ICE continued to work the oldest cases first in accordance with FOIA.

*OIG:*

- OIG continued to implement its backlog reduction initiative, assigning dedicated resources for backlogged FOIA case processing.

*TSA:*

- TSA assigned the same types of FOIA requests with the same subject matter to an analyst to ensure uniformity in processing and increase closures. Additionally, TSA identified simple cases that could be processed and closed out quickly. TSA met with its analysts weekly to ensure they were meeting their goals in closing the 10 oldest requests, pending consults, appeals, all 2018 cases, and 50% of the 2019 cases. Where needed, TSA contacted requesters to narrow the scope of voluminous requests.

*USCG:*

- USCG engaged with individual units to review any open requests and find solutions to close them. Solutions included grouping requests with similar subject matters for records review and processing at the same time and assisting with narrowing the scope of requests where possible.

*USCIS:*

- USCIS employed the use of E-Discovery software using keyword searches to cull down responsive records to be processed. Additionally, USCIS onboarded six additional Government Information Specialists dedicated to processing the agency's most complex and voluminous requests.

*USSS:*

- USSS worked to ensure FOIA processors were diligently working on their oldest requests which helped reduce the backlog, specifically the oldest requests.

## Ten Oldest Appeals

### **24. In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2022 Annual FOIA Report?**

Yes, DHS closed the ten oldest appeals reported in the FY 2022 Annual Report.

### **25. 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 VII.C.(5) of your Fiscal Year 2022 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

N/A

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

DHS FOIA Processing Centers' additional responses:

#### *CBP:*

- CBP performed weekly audits of its oldest appeals, including mean and median processing times and the rate of response for incoming appeals. The agency closed more than 99.5% of the appeals it received and processed those appeals in a timely and efficient manner in FY 2023. CBP processed appeals with a median of two days and an average of 16 days.

#### *FEMA:*

- FEMA prioritized customer service in final responses and took steps to ensure that responses satisfied the original request. This allowed FEMA to receive fewer appeals than previous years. With fewer incoming appeals, the FOIA office was able to focus more on the older appeals.

#### *ICE:*

- ICE continues to work the oldest cases first in accordance with the FOIA.

#### *OIG:*

- OIG dedicated resources to process outstanding FOIA appeals.

#### *TSA:*

- TSA FOIA worked closely with the TSA Chief Counsel's office and the FOIA appeal official to ensure all entities were aware of processing and closure goals.

#### *USSS:*

- USSS continued to work on the ten oldest appeals and prioritized the hiring of attorneys to ensure sufficient personnel are available to handle FOIA appeals and litigation.

## Ten Oldest Consultations

**27. In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report?**

No.

**28. 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 2022 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

The Department closed six of its ten oldest consultations.

## Additional Information Regarding Ten Oldest

**29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2024.**

DHS FOIA Processing Centers’ additional responses:

*CBP:*

- CBP did not close all ten outstanding oldest requests as they consisted of voluminous records for review. A new team was established to concentrate on processing the 10 oldest requests.

*CISA:*

- CISA FOIA had limited personnel during FY 2023 and relied on the agreement with the DHS Privacy office to process FOIA requests. This partnership continues to be successful. CISA’s FOIA program is confident that with the onboarding of additional FOIA staff in FY 2024 and robust training on CISA’s programs CISA will achieve success in closing older cases.

*ICE:*

- ICE was successful in closing many of the 10 oldest requests and appeals during FY 2023. ICE is implementing a backlog reduction plan for the remaining oldest requests, appeals, and consultations.

*OIG:*

- OIG will continue to process backlogged cases with dedicated resources for such processing.

*USCG:*

- USCG was unable to close its ten oldest requests due to reduced personnel dedicated to processing requests. Many employees were assigned to assist with the review and processing of Congressional releases, decreasing the number of remaining staff to maintain FOIA Office operations. USCG plans to hire additional personnel in the

coming fiscal year and to take on the processing of some routinely requested record types. The office will also work with offices across the organization to proactively post records that may be of interest to the public.

USSS:

- Most of the USSS FOIA requests are voluminous in nature. USSS will continue work to its ten oldest cases in FY 2024.

USCIS:

- USCIS is committed to processing FOIA requests in a timely and efficient manner. Obstacles that prevent the closing of older requests include the broad scope of requests, large volumes of potentially responsive records, and limited resources. Additionally, many records contain information from multiple outside government agencies requiring consultation and manual processing due to system limitations. However, USCIS is working more collaboratively with requesters to narrow the scope of overly broad requests and/or to develop a mutually agreeable rolling production schedule to meet timelines in FY 2024.

## **F. Additional Information About FOIA Processing**

**30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency's overall FOIA request processing and backlog.**

Yes. CBP, CISA, CRCL, FEMA, DHS PRIV, I&A, ICE, OIG, TSA, USCG, USCIS, and USSS had FOIA requests that were the subject of litigation during the reporting period.

DHS FOIA Processing Centers' additional responses:

*CBP:*

- The CBP FOIA Division is tracking 126 requests in litigation. Most litigation requests are complex. Of the 126 cases in litigation, approximately 40 cases have active monthly production orders and almost 14,000 pages of monthly production commitments. This requires approximately seven to eight full time staff to meet the deadlines, redirecting FOIA staff from their regular case load and resulting in increased backlog and additional litigation.

*CISA:*

- During the reporting period, CISA had four FOIA litigation cases. Three of the FOIA litigation cases are in production with CISA required to review a certain number of pages per month. In total, CISA is required to review a minimum of 950 pages per month between the three cases in litigation, impacting the processing ability for incoming requests.

*CRCL:*

- Yes, CRCL received three legal complaints. These cases have an impact on CRCL's

processing resources and budget.

*FEMA:*

- FEMA received three new litigation cases during the reporting period. FOIA litigation has required the agency to obtain more contractor support to respond to production. It has also caused delays in responding to separate FOIA requests for records that are subject to litigation.

*DHS Privacy Office:*

- The DHS Privacy Office had approximately 50 requests transferred into the litigation stage during FY 2023. PRIV's litigation workload is large and requires a dedicated team to manage the cases. The PRIV FOIA litigation team is solely responsible for litigation review and thus is not assisting with additional incoming requests. There is also a potential financial cost associated with increased litigation of FOIA cases.

*I&A:*

- I&A received two FOIA litigation cases during the reporting period. The impact of the cases has led to prioritizing litigation work over incoming requests, appeals, or consultations.

*ICE:*

- ICE was the defendant in 27 new FOIA litigation cases during the reporting period (through the date this report is submitted). FOIA litigation did not impact the agency's overall FOIA request processing and backlog.

*OIG:*

- OIG had an increase in FOIA litigation in FY 2023. Since OIG does not have a separate FOIA litigation team, resources were diverted from processing incoming FOIA requests to meet court orders and other litigation demands.

*TSA:*

- TSA's FOIA backlog continues to grow as more analysts are needed to process voluminous litigation records.

*USCG:*

- USCG had approximately nine litigation cases in FY 2023. To assist the USCG attorneys with the cases, FOIA personnel were required to allocate time away from processing requests and providing additional training to the agency.

*USCIS:*

- While USCIS FOIA litigation cases make up a small number of the agency's FOIA workload, they are time consuming and resource heavy. Responding to litigation cases adds additional steps to the usual FOIA process, to include coordination with counsel and DOJ representatives, negotiations with plaintiffs, and additional interaction with USCIS components. The agency maintained an average of 85 active litigation cases during FY 2023, closing a total of 29 cases.

*USSS:*

- The USSS was named as a defendant in eight new FOIA complaints in FY 2023. These cases did not negatively impact FOIA processing as FOIA staff and attorneys worked closely to meet court deadlines to produce agency records.



## **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 combat crimes of exploitation and protect victims. DHS carries out these missions in coordination with federal, state, local, international, tribal, and private sector partners.

### Offices:

**The Office for Civil Rights and Civil Liberties** 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** improves 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.

**The Office of the Executive Secretary** 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** 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 Office of the Immigration Detention Ombudsman** examines immigration detention to promote safe and humane conditions. The Office assists individuals with complaints about the potential violation of immigration detention standards or misconduct by DHS or contract personnel. OIDO provides independent oversight of immigration detention facilities—including conducting announced and unannounced inspections and reviewing contract terms for immigration detention facilities and services—and tracks trends and systemic issues across facilities.

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

**The Office of Legislative Affairs** 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.

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

**The DHS Office for State and Local Law Enforcement** provides DHS with primary coordination, liaison, and advocacy for state, local, tribal, territorial, and campus (SLTTC) law enforcement. OSLE accomplishes its mission through relationships with SLTTC law enforcement, both through national associations and directly with the 18,000 law enforcement agencies in the United States.

**The DHS Privacy Office** sets privacy and FOIA policy and for the Department. It also works to preserve and enhance privacy protections for all individuals and to promote transparency in the Department's operations.

**The Office of Public Affairs** 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** 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.

**Center for Prevention Programs and Partnerships** combats terrorism and targeted violence, consistent with privacy protections, civil rights and civil liberties, and other applicable laws.

#### Operational and Support Components:

**U. S. Customs and Border Protection** is responsible 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** 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.

**Countering Weapons of Mass Destruction Office** leads the coordination of federal efforts for developing strategy and policy to plan for, detect, and protect against the use of unauthorized chemical, biological, radiological, or nuclear materials, devices, or agents in the United States and to protect against attacks using those materials, devices, or agents against the people, territory, or interests of the United States.

**The Federal Emergency Management Agency** 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** provides career-long training to law enforcement professionals to help them fulfill their responsibilities safely and proficiently.

**The Office of Intelligence and Analysis** 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** 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** 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.

- **The Federal Protective Service** is an operational component within the DHS Management Directorate that provides law enforcement and security services to approximately 9,000 federal facilities nationwide.

**The Office of Homeland Security Situational Awareness** provides situational awareness, a common operating picture, and decision support for the Homeland Security Enterprise on threats, incidents, hazards, and events impacting the homeland.

**The Office of Health Security** is the principal medical, workforce health and safety, and public health authority for DHS.

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

**The United States Coast Guard** 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** upholds America's promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve.

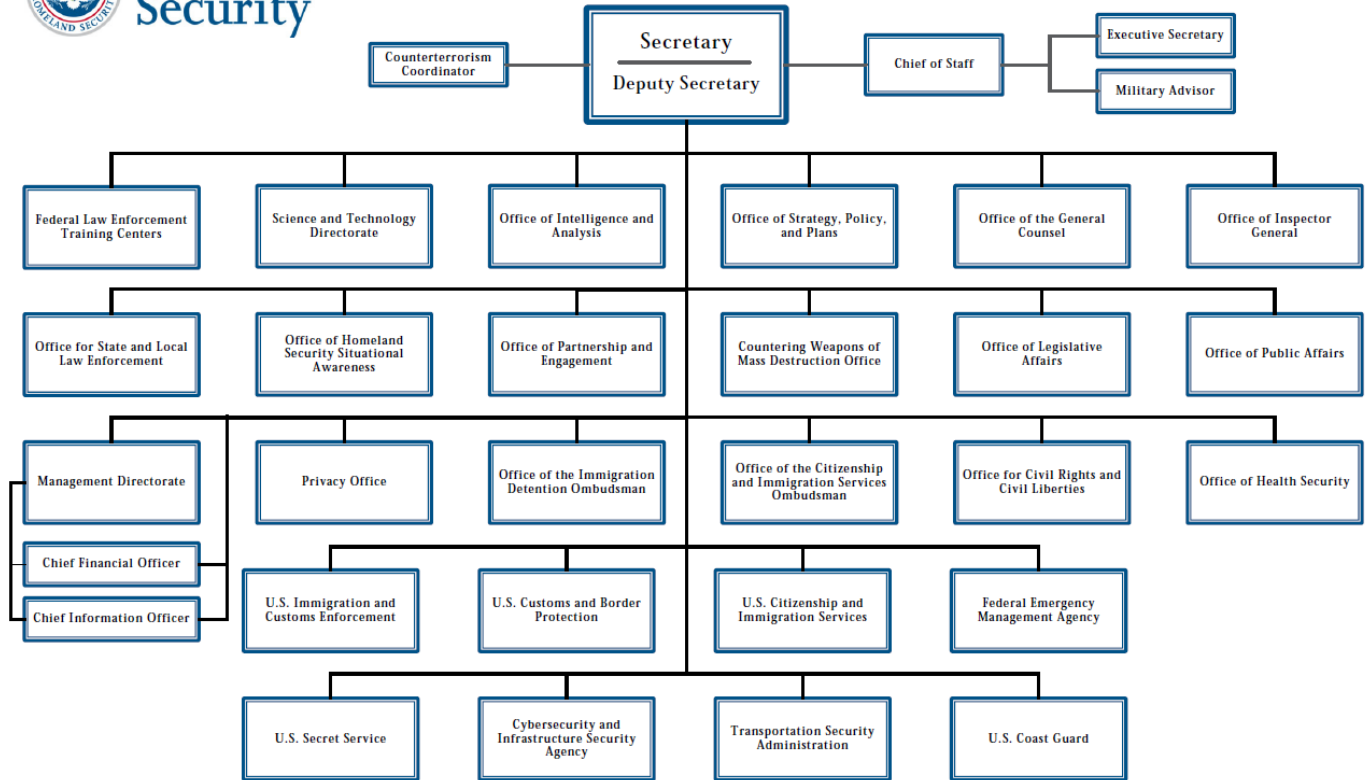
**The Science & Technology Directorate** is the primary research and development arm of the Department. It develops technology and capabilities for federal state and local officials to protect the homeland.

**The United States Secret Service** 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: Department of Homeland Security Organizational Chart



**Homeland  
Security**



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

### **Department of Homeland Security Chief FOIA Officer**

Mason C. Clutter  
Chief Privacy Officer and Chief FOIA Officer  
Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528-0655

### **Department of Homeland Security Component FOIA Officers**

DHS Privacy Office  
Catrina Pavlik-Keenan  
Deputy Chief FOIA Officer  
Ph: 202-343-1743 or 866-431-0486  
Fax: 202-343-4011  
E-mail: [foia@hq.dhs.gov](mailto:foia@hq.dhs.gov)  
Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528-0655

U.S. Citizenship and Immigration Services  
Jarrod Panter (Acting)  
Ph: 1-800-375-5283  
National Records Center, FOIA/PA Office  
P. O. Box 648010  
Lee's Summit, MO 64064-8010

Office for Civil Rights and Civil Liberties  
Rosemary Law  
Ph: [1-866-644-8360](tel:1-866-644-8360)  
E-mail: [crclfoia@hq.dhs.gov](mailto:crclfoia@hq.dhs.gov)  
Office for Civil Rights and Civil Liberties  
Mail Stop #0190  
U.S. Department of Homeland Security  
2707 Martin Luther King, Jr. Avenue, SE  
Washington, DC 20528-0190

U.S. Coast Guard  
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. Customs and Border Protection  
Sabrina Burroughs  
Ph: 202-325-0150; Fax: 202-325-1476  
FOIA Division  
90 K Street, NE  
Washington, DC 20229-1181

Cybersecurity and Infrastructure Security  
Agency  
Catrina Pavlik-Keenan  
Deputy Chief FOIA Officer  
Ph: 202-343-1743 or 866-431-0486  
Fax: 202-343-4011  
E-mail: [foia@hq.dhs.gov](mailto:foia@hq.dhs.gov)  
Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528-0655

Federal Emergency Management Agency  
Tammi Hines (Interim)  
Ph: 202-646-3323  
Information Management Division  
500 C Street, SW  
Mail Stop 3172  
Washington, DC 20472-3172

Federal Law Enforcement Training Centers  
Alicia Mikuta  
Ph: 912-261-4512; Fax: 912-267-3113  
Building No.681, Suite 187B  
1131 Chapel Crossing Road  
Glynco, GA 31524

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

Office of Inspector General  
Darcia Rufus (Acting)  
Ph: 202-254-4001; Fax: 202-254-4398  
Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0305  
Washington, DC 20528

Federal Protective Service  
Cindy Falkenstein  
Ph: 202-794-2210; Fax: 202-343-4011  
Email: [fpsfoia@fps.dhs.gov](mailto:fpsfoia@fps.dhs.gov)  
Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528-065

Office of Intelligence and Analysis  
Andrew Fausett  
Ph: 202-447-3783; Fax: 202-612-1936  
Department of Homeland Security  
Washington, DC 20528-0001

Science & Technology Directorate  
Erica Talley  
Ph: 866-431-0486  
Fax: 202-343-4011  
E-mail: [stfoia@hq.dhs.gov](mailto:stfoia@hq.dhs.gov)  
Privacy Office, Mail Stop 0205  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528-0205

United States Secret Service  
Kevin Tyrrell  
Ph: 202-406-6370; Fax: 202-406-5586  
245 Murray Lane, SW, Building T-5  
Washington, DC 20223

Transportation Security Administration  
Teri Miller  
Ph: 1-866-FOIA-TSA  
Email: [FOIA@tsa.dhs.gov](mailto:FOIA@tsa.dhs.gov)  
6595 Springfield Center Dr.  
Springfield, VA 2059

