Department of Homeland Security

Privacy Office

2018 Chief Freedom of Information Act Officer Report
to the Attorney General of the United States

March 2018

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) *2018 Chief Freedom of Information Act (FOIA)[1] Officer Report to the Attorney General of the United States*. The Report details the Department's accomplishments in achieving its goals related to transparency, openness, and implementing FOIA from March 2017 through March 2018.

DHS leadership continues to take seriously its responsibilities under the FOIA and is dedicated to the Department-wide success of the FOIA program, to include the success of each Component's FOIA program. The Department's FOIA Program, one of the largest FOIA Operations in the Federal Government, has 552 FOIA personnel processing more than 367,546 requests, enabling DHS to release more than 32 million pages of records in response to FOIA requests this fiscal year. Cost for FOIA operations at the Department was more than $56 million.

The DHS Privacy Office, which is responsible for FOIA policy, program oversight, training, and the efficacy of the DHS FOIA program, meets regularly with DHS leadership to ensure the Department continues to emphasize processing FOIA requests, backlog reduction, closing of the agency's ten oldest requests, consultations and appeals, FOIA training, and that the DHS FOIA offices have the resources required to keep the FOIA programs running efficiently and responding to requests effectively.

The DHS Privacy Office took several steps this fiscal year to ensure that the FOIA program operates more efficiently. On December 22, 2016, the Department published its updated final FOIA Regulations to ensure compliance with the FOIA Improvement Act of 2016. These changes included: (1) changing the current appeals period from 60 days to 90 days; (2) restricting the agency's ability to charge certain fees unless it met certain conditions, for example unusual circumstances, page count threshold, or three attempts to contact requester; (3) requiring the agency to make records available for public inspection in an electronic format; and (4) notifying requesters of the availability of the Office of Government Information Services (OGIS) and the agency's FOIA Public Liaison to provide dispute resolution services.

In addition, the DHS Privacy Office clarified the roles and responsibilities of the Chief FOIA Officer, the Deputy Chief FOIA Officer, Component FOIA Officers, and other responsible officials regarding FOIA through the issuance of the new Directive 262-11, Freedom of Information Act Compliance, which was signed on April 17, 2017,[2] by the then-Acting Under Secretary for Management.

In July 2017, within weeks of my appointment as the Department's Chief FOIA Officer, I met with the Component FOIA Officers to discuss their programs and hear about the challenges they

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[1] 5 U.S.C. § 552.
[2] This guidance is available at https://www.dhs.gov/publication/freedom-information-act-compliance-directive-04601.

face in implementing the FOIA. At that meeting, I reiterated the Department's commitment to the FOIA, and the principles of openness and accountability in government. The DHS Privacy Office conducted onsite visits to assess, observe, and identify the unique challenges that the National Protection and Programs Directorate's (NPPD) Office of Biometric Identity Management (OBIM) and the U.S. Citizenship and Immigration Services (USCIS) face. Additionally, I conducted a visit to the USCIS National Records Center, and as the report shows, USCIS's administration of its FOIA program is one to emulate.

The DHS Privacy Office and the Component FOIA Offices conducted internal training and served on various panels outside the Department that allowed them to: (1) help standardize FOIA best practices across the Department; and (2) promote transparency and openness within DHS and among the requester community. The DHS Privacy Office also deployed training Department-wide through the online learning systems, including FOIA Training for Professionals and a Senior Executive Briefing video, which emphasize the importance of the FOIA and the associated roles and responsibilities for staff.

Reducing the backlog remained one of my top priorities this year, and I am pleased to report successful efforts. The DHS Privacy Office again partnered with NPPD/OBIM leadership in April 2017 to execute an aggressive Backlog Reduction Project. As a result of this collaboration, the teams reduced OBIM's backlog by over 99 percent by the end of fiscal year 2017, thereby reducing the Department's backlog by 30 percent. The OBIM backlog started at roughly 11,000 requests in the beginning of the project in April 2017, and increased to over 13,000 requests by the time the DHS Privacy Office expanded its role in July 2017. At the end of fiscal year 2017, the OBIM backlog stood at less than 40 cases.

Several Component FOIA Officers and staff from the DHS Privacy Office received awards and accolades from then-Acting Secretary Elaine Duke, and from other agencies in the areas of advancing technologies, customer service, and backlog reduction successes.

I am proud of the Department's accomplishments and will continue to work with the Deputy Chief FOIA Officer and the Component FOIA Officers to ensure continued compliance with the FOIA to ensure efficient and effective operations throughout the Department.

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

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

Sincerely,

Philip S. Kaplan
Chief Freedom of Information Act Officer
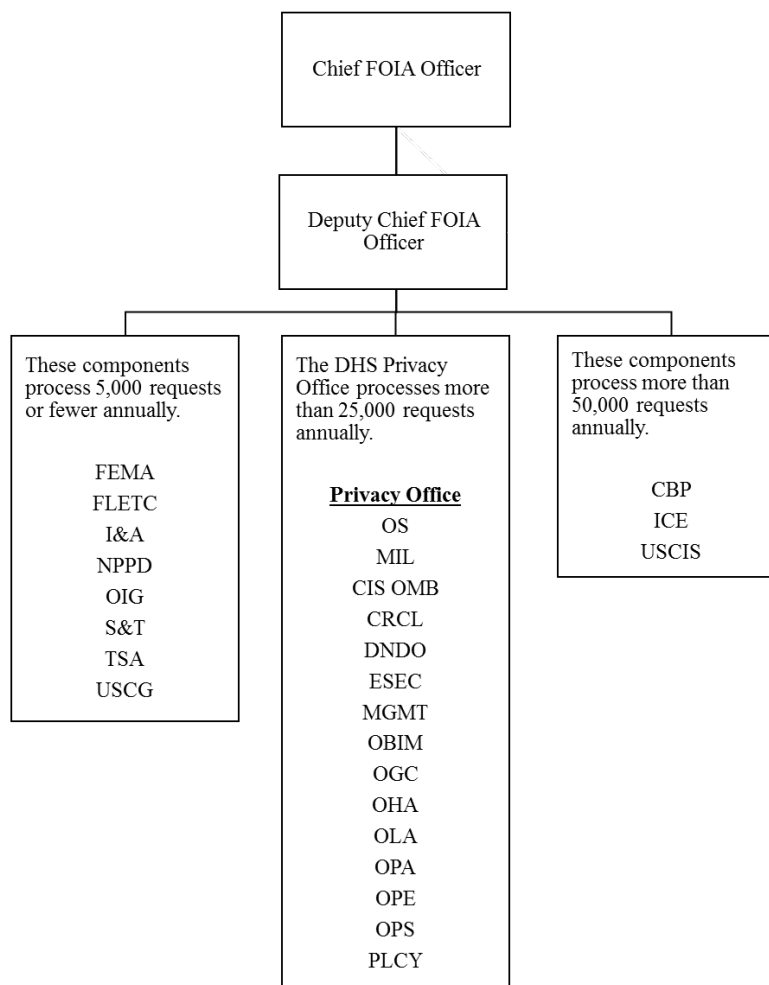U.S. Department of Homeland Security

Table of Contents

I. Overview of the DHS FOIA Program

A. *Overview of the DHS FOIA Program*

The Department's FOIA program began with the establishment of the Department of Homeland Security in 2003. Many of the agencies that were merged into DHS had pre-existing, well-established FOIA operations. Elements of those decentralized operations continue today. Subject to Department-wide FOIA regulations and the policy leadership of the DHS Privacy Office, DHS Components are responsible for establishing and maintaining their own FOIA programs and operationally deciding whether to establish a centralized or decentralized FOIA program at the Component or Directorate level.[3] Contact information for DHS FOIA Officers is provided in Appendix C.

Chart 1: DHS FOIA Operations[4]

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                    │  Chief FOIA Officer │
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                    ┌──────────┴──────────┐
                    │  Deputy Chief FOIA  │
                    │       Officer       │
                    └──────────┬──────────┘
         ┌────────────────────┼────────────────────┐
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These components process 5,000 requests or fewer annually.	The DHS Privacy Office processes more than 25,000 requests annually.	These components process more than 50,000 requests annually.
FEMA FLETC I&A NPPD OIG S&T TSA USCG	**Privacy Office** OS MIL CIS OMB CRCL DNDO ESEC MGMT OBIM OGC OHA OLA OPA OPE OPS PLCY	CBP ICE USCIS

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[3] The DHS Organizational Chart is provided in Appendix B.
[4] DHS established the CWMD Office in December 2017 by consolidating primarily the Domestic Nuclear Detection Office and a majority of the Office of Health Affairs, as well as other DHS elements.

B. FOIA Operations and the DHS Privacy Office

In accordance with *Executive Order 13392, Improving Agency Disclosure of Information*,[5] the Secretary of Homeland Security (Secretary) designated the DHS Chief Privacy Officer (Chief Privacy Officer) to serve concurrently as the Chief FOIA Officer to promote efficiency, effectiveness, and statutory compliance throughout the Department.[6] The Chief Privacy Officer leads the DHS Privacy Office and reports directly to the Secretary on both FOIA and privacy matters.[7] On August 29, 2011, the Secretary delegated to the Chief Privacy Officer the authority to develop and oversee the implementation of policies within the Department and, except as otherwise provided by law, carry out the functions of the agency regarding compliance with the FOIA, the Privacy Act, and the *E-Government Act of 2002*.[8]

The DHS Privacy Office's FOIA team is made up of 15 Government Information Specialists who oversee full implementation of the FOIA and the objectives in the DHS Privacy Office's Strategic Plan. The FOIA function in the Privacy Office is carried out by four teams: (1) FOIA Policy and Training Team, (2) FOIA Compliance and Oversight Team, (3) FOIA Disclosure Team, and (4) FOIA Appeals and Litigation Team.

The FOIA Policy and Training Team prepares the annual Chief FOIA Officer Report, prepares responses to Government Accountability Office reports, provides *ad hoc* internal training, and prepares policy guidance. This fiscal year, the Team completed and updated the Department-wide FOIA Management directive that clarifies roles and responsibilities of the Chief FOIA Officer, Component and Office heads, the Deputy Chief FOIA Officer, and Component FOIA Officers. In October 2016, the Policy and Training Team deployed a Department-wide FOIA Training course for agency employees. The module is designed for all federal employees and provides a primer on the FOIA and highlights ways in which they can assist the Department in the administration of the law.

In June 2017, the Team also deployed a second in-depth course specifically designed for FOIA professionals, addressing all of the major procedural and substantive requirements of the law. In addition, the FOIA Policy and Training Team conducts biweekly FOIA Training for New Employees. Finally, the FOIA Policy and Training Team conducts training sessions throughout

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[5] *Executive Order Number 13392*, Fed. Reg. Volume 70, 75373 (Dec. 14, 2005). The Executive Order's requirement for the establishment of the Chief FOIA Officer position was enacted into law as provisions of the FOIA (5 U.S.C. §§ 552(j), (k)) by the *OPEN Government Act of 2007*, Pub. L. 110-175, 121 Stat. 2524 (Dec. 31, 2007). The Chief Privacy Officer position was established by Section 222 of the *Homeland Security Act of 2002* (Homeland Security Act), 6 U.S.C. § 142 (2002). Section 222 assigns the Chief Privacy Officer responsibilities to ensure that privacy and transparency in government are implemented throughout the Department. These responsibilities are further described on the DHS Privacy Office website: https://edit.dhs.gov/chief-privacy-officers-authorities-and-responsibilities.

[6] Delegation to the Chief Privacy Officer to fulfill responsibilities related to the FOIA and Privacy Act programs within the Department is available at https://www.dhs.gov/publication/foia-delegation-chief-privacy-officer.

[7] The Privacy Act of 1974 includes provisions granting individuals the right to gain access to and correct information about themselves held by federal agencies. See 5 U.S.C. § 552a. Although the two laws differ in scope, procedures in both FOIA and the Privacy Act permit individuals to seek access to records about themselves—known as "first-party" access. Depending on the individual circumstances, one law may allow broader access or more extensive procedural rights than the other, or access may be denied under one act and allowed under the other.

[8] Pub. L. 107-347, § 208, 44 U.S.C. § 101 note.

the year on all aspects of the FOIA and on a wide variety of FOIA-related topics offered in conjunction with the Office of the General Counsel (OGC).

The FOIA Compliance and Oversight Team collects, compiles, and analyzes monthly FOIA reports from DHS Components, prepares the DHS Annual FOIA Report, and tracks significant FOIA activity through daily and weekly reporting. The Team's reporting program monitors implementation and monthly performance on key performance statistics to include the number of requests and appeals received and processed, the 10 oldest pending requests and appeals, and the age of requests in the Component's backlog. The monthly reports also include information about records posted to agency FOIA reading rooms and other significant proactive disclosures.

The FOIA Compliance and Oversight Team compiles the Component monthly report data so that they can analyze the information to identify potential issues, including increases in DHS's backlog and other troubling trends, such as an increase in response times. The Team also uses the monthly reports to create a progress report or scorecard that is sent to the Component FOIA Officers. In addition, the FOIA Compliance and Oversight Team prepares statutorily required reports to the Attorney General.

The FOIA Disclosure Team processes initial FOIA and Privacy Act requests to the Office of the Secretary (including the Military Advisor's Office) and many offices within DHS Headquarters.[9] DHS programs are wide-ranging, and the processing of requests requires close coordination with many internal and external customers, including other federal agencies, state and local governments, foreign entities, and private companies. DHS Privacy Office Government Information Specialists also provide expert FOIA guidance to the Component FOIA Offices and communicate regularly with DHS's many stakeholders.

The FOIA Appeals and Litigation Team manages the administration of the DHS Privacy Office appeals process and assists OGC in litigation involving the DHS Privacy Office and offices it processes on behalf of or involving records with significant departmental equity.

Appeals
Intake
Tracking
Liaison with USCG ALJ

Litigation
Declarations
Vaughn Indices
Strategic Coordination with OGC

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[9] In this report, a reference to the "Department" or "DHS" means the entire Department of Homeland Security, including its Components, Directorates, and the Office of the Secretary. The DHS FOIA Office processes the Privacy Office's initial requests and those for the following offices: Office of the Secretary, Military Advisor's Office, Office of the Citizenship and Immigration Services Ombudsman, Domestic Nuclear Detection Office, Office of the Executive Secretary, Office of Partnership and Engagement, Management Directorate, Office for Civil Rights and Civil Liberties, Office of Operations Coordination, Office of Strategy, Policy, and Plans, Office of the General Counsel, Office of Health Affairs, Office of Legislative Affairs, and Office of Public Affairs. In December 2017, DHS established the CWMD Office by consolidating primarily DNDO and a majority of OHA, as well as other DHS elements. Appendix A lists the DHS Components and their customary abbreviations. Appendix D lists acronyms, definitions, and exemptions.

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

A. Steps Taken to Apply the Presumption of Openness

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

FOIA Training:

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

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

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

   - The DHS Privacy Office conducted biweekly New Employee Training on the FOIA along with best practices for safeguarding personally identifiable information.

   - The DHS Privacy Office meets weekly regarding its FOIA program and processing requests, and provided training in three of its meetings regarding general FOIA provisions, exemptions, appeals, and records searches. The DHS Privacy Office provided a three-hour FY 2017 Annual Report Refresher Training Workshop to the Component FOIA staff that included the reporting requirements and best practices for responding to FOIA requests.

The DHS Privacy Office developed and hosted a DHS-specific block of instruction regarding the DHS perspective on a number of topics at the American Society of Access Professionals (ASAP) National Training Conference. The block included presentations from the Federal Emergency Management Agency (FEMA) Chief FOIA Officer regarding Exemption 4, the USCIS Chief FOIA Officer regarding DHS's role in the FOIA Advisory Committee, and the U.S. Immigration and Customs Enforcement (ICE) Chief FOIA Officer regarding Exemption 7.

- The DHS Privacy Office and OGC conducted two FOIA 101 training sessions for Department FOIA staff and attorneys and one training session regarding how to prepare a Vaughan index and a declaration for FOIA litigation.

- The DHS Privacy Office hosted two OGIS representatives who conducted mandatory FOIA Public Liaison Training for the DHS FOIA Public Liaisons.

Component FOIA Offices provide full-time and collateral FOIA staff training specific to each Component:

- United States Coast Guard (USCG) conducted the following training:

  o USCG Legal Service East Command conducted three FOIA training sessions on the following topics:

    - What is FOIA?
    - General provisions
    - Amendments
    - USCG policy
    - How to submit a FOIA request
    - Negotiated releases
    - Searching for responsive records
    - Reviewing and redacting records
    - Exemptions
    - Release and denial authority
    - What is a denial?
    - Justification memo
    - Fees and fee waivers
    - Expedited processing
    - Steps in processing a FOIA request
    - References and points of contact

  o USCG Acquisition Directorate conducted two FOIA overview training sessions to its offices regarding Exemption 4.

- United States Secret Service (USSS) conducted the following training:

  o FOIA training for new Special Agents, new Uniformed Division Officers, and new employees at orientation regarding FOIA statutes and regulations.
  o FOIA training to USSS Directorates and Divisions regarding the handling of FOIA requests, search requirements, and the roles and responsibilities of the program office staff responsible for conducting searches.
  o Refresher FOIA training to FOIA staff regarding processing requests and applying exemptions, including identifying factors unique to USSS that affect the processing of FOIA requests

- U.S. Customs and Border Protection (CBP) conducted numerous trainings, including a two-day refresher training to all staff assigned to CBP FOIA headquarters. Topics included an overview of the FOIA, exemptions and proper application, fee waiver determinations, fee categories, and requests for expedited treatment.

- FEMA conducted training regarding Exemption 4 for the OBIM FOIA team and other DHS FOIA professionals and Department-wide as part of the DHS block of instruction at the ASAP National Training Conference.

- The Science and Technology Directorate (S&T) conducted two annual FOIA training sessions and New Employee Orientation FOIA training for federal employees and contractors. Topics included S&T internal processes, statutes, and exemptions.

- The Transportation Security Administration (TSA) conducted training for its FOIA staff in the field and at headquarters regarding FOIA Points of Contact roles and responsibilities, requirements under FOIA, and records searches.

- USCIS hosted two Department of Justice (DOJ) Office of Information Policy (OIP) attorneys who provided one day of basic FOIA refresher training to all USCIS FOIA processors and a second day of advanced FOIA training to all USCIS FOIA managers, supervisors, and senior staff at the USCIS National Records Center in Missouri.

  - Topics covered during the basic refresher training:

    - Presumption of openness
    - *FOIA Improvement Act of 2016*
    - Exemption 5
    - Exemptions 6 and 7(C)
    - Exemption 7
    - FOIA & Privacy Act interface

  - Topics covered during the advanced training:

    - FOIA litigation update
    - *FOIA Improvement Act of 2016*
    - Exemption 5
    - Good communication with FOIA requesters
    - Exemptions 6 and 7(C)
    - Exemption 4

- USCIS hosted two OGIS representatives who provided training on mediation and negotiations with FOIA requesters to FOIA Significant Interest Group.

- ICE conducted or provided:

- An overview of FOIA procedural requirements and exemptions during its new employee orientations and at its annual refresher training to its FOIA staff and paralegals.
- Training regarding proper records searches for its program offices responsible for the searches.
- A one-day training session by the DOJ OIP staff at ICE headquarters regarding Exemptions 4, 5, 6, and 7. ICE partnered with the DHS Privacy Office to ensure the training was available to all FOIA staff at DHS.
- Training regarding Exemption 7 as part of the DHS block of instruction at the ASAP National Training Conference.

As noted above, the Department places a high priority on training and education. All DHS Headquarters personnel and most Component staff receive FOIA training as part of New Employee Orientation. This initial FOIA training is reinforced through mandatory online annual instruction in records management that also addresses staff FOIA responsibilities. The DHS Privacy Office also provides training materials to agency staff regarding their responsibilities under the FOIA, meeting its responsibility to "offer training to agency staff" as added by the *FOIA Improvement Act of 2016*.[10]

As mentioned in last year's report, the DHS Privacy Office deployed the DOJ OIP FOIA Training for Federal Employees Department-wide through the online learning systems. In June 2017, the DHS Privacy Office deployed the FOIA Training for Professionals. This in-depth training is designed for FOIA professionals and addresses all the major procedural and substantive requirements of the law, as well as the importance of customer service.

In June 2017, the DHS Privacy Office deployed the Senior Executive Briefing video for agency senior executives, providing a general overview of the FOIA and emphasizing the importance of their support to the agency's FOIA program.

In addition to internal training that DHS and the Components provide to their staff, FOIA professionals throughout the Department also attended classes offered outside the Department by DOJ OIP, OGIS, the Graduate School USA, and ASAP. Staff training this year included: Introduction to the FOIA, Freedom of Information and Privacy Acts, Basic FOIA, FOIA Public Liaison Training, Dispute Resolution Skills Training, FOIA-Privacy Act Training Workshop, FOIA

DOJ FOIA Training Module Federal Staff Participation		
Component	% Completed	TOTAL Federal FTE
CBP	100%	40
FEMA	100%	11
FLETC	100%	1
I&A	100%	3
ICE	100%	42
NPPD	100%	10
OIG	100%	5
PRIV	100%	13
S&T	100%	1
TSA	100%	8
USCG	100%	3
USCIS	100%	195
USSS	100%	14
DHS	100%	346

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[10] *FOIA Improvement Act of 2016* (Public Law No. 114-185).

Litigation Seminar, FOIA for Attorneys and Access Professionals, Annual Report and Chief FOIA Officer Report Workshops, and ASAP's 10th Annual National Training Conference. Topics included an overview of FOIA exemptions and procedures; reasonable search and review of records; communication with requesters; litigation process; and proactive disclosure.

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

DHS estimates 95 percent of all DHS FOIA professionals attended substantive FOIA training during this reporting period. The DHS Privacy Office and all of the Components reported that 100 percent of the FOIA professionals attended substantive FOIA training during this reporting period, with the following exceptions: OBIM reported 85 percent and S&T reported 50 percent.

4. 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.

This is not applicable to DHS, however, the DHS Privacy Office is making training available quarterly for FOIA professionals by conducting onsite training and partnering with other agencies. In February 2018, the DHS Privacy Office offered training regarding recent rulings in FOIA and Privacy Act cases. In March 2018, the DHS Privacy Office is hosting two OGIS representatives who will provide Dispute Resolution Skills Training to Department FOIA staff. As mentioned in question two, the DHS Privacy Office deployed the FOIA Training for FOIA Professionals and the Senior Executive Briefing video.

Outreach:

5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

As noted in question two, FOIA professionals throughout the Department attended training outside the Department, including the ASAP annual training, in which staff had the opportunity to engage in dialogue with the requester community who were serving as panelists in various sessions.

- The DHS Privacy Office engaged in the following outreach activities:

  o The Chief FOIA Officer and the Deputy Chief FOIA Officer as members of the Chief FOIA Officer Council,[11] participate in meetings with the requester community to develop recommendations for increasing FOIA compliance and efficiency,

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[11] *FOIA Improvement Act of 2016* (Public Law No. 114-185), created a new Chief FOIA Officer Council within the Executive Branch that will serve as a forum for collaboration across agencies and with the requester community to explore innovative ways to improve FOIA administration.

disseminating information about agency experiences and best practices, and working on initiatives that will increase transparency.
- o Developed and hosted a DHS-specific block of instruction regarding the DHS perspective on a number of topics at the ASAP National Training Conference, which provided several opportunities to engage in dialogue with the requester community.

- USCIS engaged in the following outreach activities:

  - o Conducted two outreach and information sharing sessions with representatives from the American Immigration Lawyers Association, the members of which are frequent FOIA requesters on behalf of immigrant clients.
  - o The USCIS FOIA Significant Interest Group held outreach sessions via conference call with immigrant investors under the EB-5 program, American Civil Liberties Union, and several news media representatives.
  - o The USCIS Chief FOIA Officer, as a member of the FOIA Advisory Committee, participates in meetings and frequent collaboration with the requester community in an effort to seek solutions to effectively implement FOIA at the Department.

- TSA held two outreach conference calls with the requester community to obtain feedback regarding their experiences with TSA, and receive suggestions for improvement. TSA reached out to its frequent requesters as well as those requesters who have identified a particular interest in TSA issues, including: The FOIA Group, the Center for Investigative Reporting, The Identity Project, MuckRock, and news media representatives.

Other Initiatives:

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

- As noted in question two above, the DHS Privacy Office and several Components conducted New Employee Training, which includes FOIA professionals and non-FOIA professionals. Also noted in question two, the DHS Privacy Office deployed the DOJ OIP FOIA Training for Federal Employees and the Senior Executive Briefing video Department-wide through the online learning systems, which inform non-FOIA professionals of their obligations under the FOIA. The DHS Privacy Office and the Components encourage the non-FOIA professionals to take the training annually.

- The DHS Privacy Office provides monthly updates to the Component FOIA Officers and senior level leadership, which include charts depicting DHS FOIA Backlog monthly statistics, summary, and trend analysis. The update also includes 10 Oldest Requests, FOIA Appeals, and Proactive Disclosure information, and recommended steps to improve production. The update includes the following language: "As a reminder, the DHS Privacy Office provides this monthly report not only as a snapshot of FOIA activity at the Department and in your Component, but also it is a call to action to reduce your

backlog, close the 10 oldest cases and 10 oldest appeals, and also close the open requests."

- The DHS Privacy Office published a weekly Chief FOIA Officer Report regarding significant FOIA activity and distributed the report to the Component FOIA staff and non-FOIA staff. Components also distributed the report to their non-FOIA staff and leadership as they deemed appropriate. The reports are posted on the public facing DHS FOIA website.

- ICE provides annual FOIA briefings to its program offices regarding their obligations under the FOIA.

- CBP conducted training for designated FOIA Points of Contact regarding search requirements, proper documentation, and deadlines.

- The Office of Intelligence and Analysis (I&A) provided informal training and briefings to management and program staff regarding their FOIA obligations.

- NPPD met with subcomponents to provide best practices for handling all aspects of the FOIA.

- TSA made the following efforts to inform non-FOIA professionals of their obligations under FOIA:

  o Hosted an all hands meeting with its Traveler Engagement Division.
  o Briefed its senior leadership regarding their responsibilities under the FOIA.
  o Hosted an Open House for all TSA employees to educate them about the FOIA and their responsibilities.

- USCG provided a semi-annual report of open requests to its directorates and units regarding non-compliance on the statutory FOIA time limits.

- The Office of Inspector General (OIG) conducted training for attorneys who support FOIA litigation, adjudicate FOIA appeals, and review responses to initial FOIA requests.

- S&T conducted training for federal and contractor staff regarding an overview of the FOIA and their responsibilities, marking documents, agency agreements and the FOIA, and the benefits of proactive disclosure.

- USCIS made the following efforts to inform non-FOIA professionals of their obligations under the FOIA:

  o Conducted outreach sessions with a number of USCIS program offices that routinely provide records.
  o Provided numerous briefings to records managers regarding their obligations under the FOIA.

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  - Prepared lessons learned summaries on all completed FOIA litigation cases in which USCIS was a defendant, and distributed the summaries to all USCIS directorates and senior staff as a risk management and process improvement tool.

- USSS conducted FOIA training, and provided briefings to Special Agent recruits, Uniformed Division Officer recruits, and other USSS employees regarding their obligations under the FOIA.

- The Office for Civil Rights and Civil Liberties (CRCL) provided training for its leadership and primary FOIA Points of Contact regarding the new CRCL FOIA Standard Operating Procedure, their obligations under the FOIA, and how to conduct proper record searches.

- FEMA conducted an all hands meeting with its program office FOIA Points of Contact and other internal stakeholders, which included a discussion regarding their roles under the FOIA.

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

- In March 2017, the then-Acting Chief FOIA Officer sent a Department-wide message on Sunshine Week and the Freedom of Information Act, in which he reminded the Department that "FOIA is everyone's responsibility" – not just the responsibility of the FOIA Offices. Additionally, he advised of the FOIA Training for Federal Employees and how to access it. The message was also posted on the Department's internal agency website.

- I&A briefs its leadership weekly on FOIA cases and issues. Additionally, I&A conducted a comprehensive internal review and audit of its FOIA program seeking ways to apply the presumption of openness, and is drafting policy and guidance documents and preparing refresher training for management and employees involved in the FOIA process.

- FEMA briefs its leadership weekly on its FOIA cases. Additionally, FEMA conducted routine FOIA training for reservists supporting the National Flood Insurance Program Taskforce.

- TSA conducted an annual training session for the designated FOIA Points of Contact and conducted individual training sessions with program offices, to include a conference call with airport Points of Contact to address specific questions regarding FOIA requests and ensure the presumption of openness is applied.

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

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

1. For Fiscal Year (FY) 2017, 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 2017 Annual FOIA Report.

    As Table 1 below indicates, DHS, as a whole, adjudicated requests for expedited processing in an average of 13.05 days.

Table 1. Requests for Expedited Processing in FY17 as Reported in FY17Annual Report

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within 10 Calendar Days
CBP	128	1,475	9	23.81	833
FEMA	12	38	1	15.4	43
FLETC	3	1	1.5	1.5	4
I&A	15	11	1	1.5	26
ICE	255	160	1	4.8	372
NPPD	1	12	1	1.38	13
OIG	1	26	9	10.37	19
PRIV	98	49	3	5.44	131
S&T	0	3	1	1.67	3
TSA	0	38	1	1	38
USCG	0	0	N/A	N/A	0
USCIS	69	1,216	1	7	1,144
USSS	0	327	1	1	327
AGENCY OVERALL	**582**	**3,356**	**1**	**13.05**	**2,953**

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

*   The DHS Privacy Office will work closely with all the Components to ensure that the average number of days for adjudicating requests for expedited processing is less than 10 days and, to the extent possible, the hiring of additional staff and other measures mentioned by these Components throughout the report will help to accomplish this goal. The DHS Privacy Office will continue to provide monthly updates to Department and Component leadership and FOIA Officers regarding DHS FOIA Backlog monthly statistics including a summary and analysis. Additionally, the Chief FOIA Officer will include this information in one-on-one meetings with Component leadership as needed.

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

- The DHS Privacy Office took the following steps to ensure that the FOIA program at the Department operates more efficiently:

    o Clarified the roles and responsibilities of the Chief FOIA Officer, the Deputy Chief FOIA Officer, Component FOIA Officers, and other responsible officials regarding the FOIA through the issuance of the new Directive 262-11, Freedom of Information Act Compliance, which was signed on April 17, 2017,[12] by the then-Acting Under Secretary for Management.
    o Hired a Senior Director FOIA Operations who revised the processes and procedures and implemented process improvements, including the implementation of concrete performance metrics and deliverables for FY 2018 Performance Plans for FOIA staff; revised the DHS Privacy Office FOIA Standard Operating Procedure to reflect the updated processing procedures; and updated the template letters.
    o The DHS Privacy Office and OBIM leadership assessed OBIM's administration of its FOIA program. In April 2017, the DHS Privacy Office conducted an onsite review of the entire OBIM FOIA workflow, to include interviews with the staff involved in each step of the process. The DHS Privacy Office established program goals as well as individual and group performance metrics to improve the administration of the FOIA and has entered into a 120-day memorandum of agreement with NPPD/OBIM to assume operational oversight and control of the OBIM FOIA program and staff.
    o In December 2017, the DHS Chief FOIA Officer, Deputy Chief FOIA Officer, and Senior Director for FOIA Operations visited the USCIS National Records Center for the purposes of a FOIA program and records management site-review and demonstration. In FY 2017, USCIS processed 187,345 FOIA requests and in addition to its FOIA and records management responsibilities, is responsible for the maintenance, integrity, and housing of Alien files. The site visit, the first for a DHS Chief FOIA Officer since the creation of the Department, validated that the programs and functions of the USCIS National Records Center function efficiently and effectively in accordance with the rules promulgated by the FOIA, DOJ, and the Department. Further, the FOIA program functions seamlessly as both a single program and as a complement to the five other program offices that fall under the National Records Center organization.

- ICE reviewed its appeal remands and corrected the areas of weakness within the workflow, and revised its Standard Operating Procedures accordingly. ICE also revamped its reporting to reflect the actual workload associated with the FOIA requests and litigation. Some of these reports are being used Department-wide as models.

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[12] This guidance is available at https://www.dhs.gov/publication/freedom-information-act-compliance-directive-04601.

- CBP assessed its more complicated non-traveler requests and determined the need to identify duplicates, correspond more frequently with appropriate program offices, and reach out to requesters to narrow the scope when necessary.

- NPPD assessed its current FOIA processing workflow and as a result developed better processes and a more effective use of its commercial off-the-shelf (COTS) web application. NPPD streamlined its process to track and process its backlogged requests.

- FEMA conducted an audit of all of its FOIA functions to identify deficiencies. From this audit, FEMA identified specific functions and roles to minimize overlap and duplication of work, used its COTS web application more efficiently, and provided more accurate reports. In addition, FEMA created a consistent triage process, and with the help of its Office of Chief Counsel, streamlined its appeals process.

- I&A revised its processes regarding how it conducts and documents searches, triages requests, and allocates its resources for litigation, incoming requests, and the backlog.

- TSA conducted a comprehensive review of every aspect of its FOIA program, including a review of the findings of the two studies done the previous year, a review of previously reported data in the annual report and monthly reports, interviewing stakeholders, and an analysis of how TSA is ensuring compliance with DHS and DOJ OIP guidance. TSA documented its findings and made several proposals for restructuring the programmatic duties in its FOIA branch with the goal of improved oversight of case management.

- USCG OGC audited the FOIA program at the request of USCG leadership. As a result of the audit, USCG established an Integrated Product Team to strengthen the USCG Records Management and FOIA Programs. In January 2018, the Team had its initial kickoff meeting.

- OIG conducted a self-assessment of its FOIA program using the number of cases in litigation, number of pending FOIA requests, and number of incoming FOIA requests to support the need to hire additional staff to assist with the increasing and demanding workload.

- USCIS conducted the following assessments:

  o USCIS FOIA used metrics reported daily, weekly, and monthly to track the progress in its major processes to achieve significant mission goals in such areas as backlog of requests, backlog of appeals, average processing times, average number of cases closed per processor, average days to print and mail out final responses on either paper or CD, and total number of FOIA requests pending for more than 365 days. The status of each metric was assessed and analyzed by senior FOIA managers who in turn investigated causes for any downward trends or missed goals. Findings were reported to the USCIS Chief FOIA Officer with actions recommended to improve efficiencies and address identified areas for process improvements.

- o USCIS FOIA managers closely reviewed and discussed the FOIA Annual Report, the DHS Monthly FOIA Report, and the monthly USCIS FOIA Management Analysis Report for data points indicating areas to be investigated further for cause and effect analysis, potential targets for continued improvement, and the need for reallocation of resources to address areas of immediate concern.
- o Representatives from OGIS conducted a comprehensive assessment of the USCIS FOIA Program in September 2017. The assessment included on-site interviews of USCIS FOIA staff; a review of internal FOIA training materials and presentations; and an OGIS survey completed by the USCIS FOIA staff to identify efficiencies and deficiencies. OGIS issued its final report in January 2018, and USCIS is responding to the recommendations and will implement as appropriate.[13]

4. 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 how often requesters sought assistance from your agency's FOIA Public Liaison.

   DHS estimates that it received approximately 5,927 calls from requesters seeking assistance from the FOIA Public Liaison.

   The DHS Privacy Office and the Components reported the following numbers below:

- The DHS Privacy Office, FEMA, and OIG reported that five requesters sought assistance from the FOIA Public Liaison; S&T reported 10; and I&A reported 15. USCG estimates 25 percent of the requesters sought assistance from the FOIA Public Liaison.

- The following numbers are higher as these Components were unable to distinguish between calls from requesters merely seeking a status of their requests or answers to general questions rather than seeking true assistance from the FOIA Public Liaison: the Federal Law Enforcement Training Centers (FLETC) reported 75; TSA reported 520; USCIS reported 557; CBP reported 1,980; and OBIM reported 2,500 requesters. NPPD reported requesters sought assistance five times per week during the reporting period.

- ICE and USSS did not track this information.

5. Optional Survey Question: If possible, please provide an estimate of the average number of pages that your agency processes for each request. You may provide estimates for each track.

   The DHS Privacy Office is not able to answer the question based on the track but provides the total number of pages DHS released by month for fiscal year 2017 for all requests that included all disposition types.

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[13] OGIS's Compliance Reports, and the DHS Privacy Office and Component responses are available on OGIS's website at https://www.archives.gov/ogis/foia-compliance-program/agency-compliance-reports/dhs.

Table 2. DHS Total Pages Released by Month for FY 17[14]

DHS Total Pages Released by Month			
Month	**Processing Stage**		
	Initial	**Appeals**	**Litigation**
October	1,722,506	6,024	8,005
November	1,684,260	9,237	10,950
December	2,006,887	4,522	7,919
January	2,525,664	6,265	16,818
February	2,158,327	6,045	14,333
March	3,116,963	11,643	7,761
April	2,706,655	9,694	15,466
May	3,100,879	13,011	14,596
June	2,990,596	12,199	18,280
July	2,702,582	9,927	7,162
August	3,414,470	17,755	4,872
September	4,192,172	19,691	7,139
DHS Total	**32,321,961**	**126,013**	**133,301**
Pages per Closure Closed FY17	**88.0***	**23.6****	**N/A**

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

The DHS Privacy Office took several steps to ensure that the FOIA program at the Department operates more efficiently:

- As mentioned in last year's report the DHS Privacy Office partnered with the Office of the Chief Information Officer (OCIO) to create and release the new eFOIA mobile application to simplify and enhance the submission process on a mobile device for FOIA requesters. Key features of the application allow users to: (1) submit a FOIA request to any DHS Component; (2) check the status of their requests; (3) access all of the content on the DHS FOIA website and library; and (4) view updates, changes to events such as stakeholder meetings/conference calls, and recently published documents.

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[14] *All requests closed in FY 2017 independent of disposition. DHS closed 367,456 requests in FY 2017.
**All appeals closed in FY 2017 independent of disposition. DHS closed 5,349 appeals in FY 2017.

- Upgraded to the latest version of the COTS web application, which provides improved case tracking capabilities with an enhanced dashboard for FOIA leadership and staff to monitor case metrics in real time. The DHS Privacy Office continues to explore ways to improve overall system performance, including examining migration to a commercial cloud to improve scalability (ability to handle larger volumes of records at an increased speed).

- Collaborated with OCIO staff to streamline its process for searching for and retrieving e-mail records in response to FOIA requests, which allowed the FOIA staff to improve the response times to the requester. OCIO provided a presentation at one of the FOIA staff meetings regarding its search process, which provided an opportunity for OCIO staff and the FOIA staff to find more ways to improve the process and yield responsive records.

OIG has taken numerous steps to improve its FOIA process:

- Continues to educate its employees on FOIA search and processing requirements to ensure complete and productive searches.

- Holds internal staff meetings with an agenda focusing on consistency in FOIA responses and in the application of the exemptions.

CBP uses its Analytical Framework for Intelligence (AFI)[15] system to perform searches for multiple requests in batches, eliminating the need for staff to search each request individually, which in turn allowed the staff to focus on other requests. Further, AFI produces a cleaner record set with fewer redactions and miscellaneous information.

FEMA took the following steps to ensure that its FOIA program operates efficiently:

- Developed a basic weekly metrics report to inform its leadership of the status of its FOIA program, including the number of requests received, closed, open, and backlogged appeals and requests, as well as significant requests.

- Collaborated with its program office FOIA points of contact to create a simplified electronic process for search taskers, which allows program offices to provide more detailed explanations regarding the searches and ensures strong administrative records exist.

- Developing a standard operating procedure and training to assist new employees and internal stakeholders.

ICE uses an eDiscovery tool for its FOIA and litigation requests. The tool with its analytic capabilities, is used in conjunction with the COTS web application to assist with culling and de-duplicating a voluminous amount of records. The tool includes de-duplication capabilities, analytics, e-mail threading, and enhanced reporting features to manage the

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[15] For information regarding AFI, see DHS/CBP/PIA-010-Analytical Framework for Intelligence (AFI), September 2016, available at: https://www.dhs.gov/publication/analytical-framework-intelligence-afi.

records more efficiently. The tool has improved the productivity and response time to requesters. Notably, ICE uses the analytics capabilities of its eDiscovery tool to pre-identify potentially protected information. Automation and machine learning pre-redacts certain information; the FOIA staff then confirms, deletes, or modifies the redaction. This automation has doubled the processing times of common records, such as Alien files. Once the work has been completed in the eDiscovery platform, ICE uses automated scripts to return the records to the COTS web application, which is the official system of record.

I&A developed a FOIA Training Manual regarding use of its COTS web application, adequate search methods, processing responsive documents, redactions, and communication with the requester.

NPPD took the following steps to ensure that its FOIA program operates efficiently:

- Improved its communication with its internal stakeholders and the DHS Components to reduce the number of misdirected requests.

- Improved its verification and tracking of new requests to eliminate duplicates and wasted man-hours.

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

- Revised the search tasking sheet it sends to its field and headquarters points of contact to yield a timely and complete response and ensure a strong administrative record exists documenting the search.

- Reviewed its case management process flow and identified numerous areas in which minor and major changes have led to efficiencies that will reduce case cycle time.

- Conducts a daily "Stand Up" meeting in which all staff members share best practices, brainstorm solutions to any issues raised in certain cases, and review incoming requests to ensure the requests are tasked properly.

USCIS took the following steps to improve its FOIA process:

- Renewed its agreement with the Department of State to continue processing all immigrant visa documents found in an Alien file rather than referring those documents to the Department of State, thereby substantially reducing processing times of these documents for the requester.

- The Quality Assurance team reviewed the work performed by staff in creating cases, searching for records, and processing requests. The Quality Assurance team provided reports of findings weekly to FOIA supervisors and analyzed the previous month's trends at monthly meetings.

- Published biweekly the *FOIA Information Bulletin* and distributed it throughout USCIS FOIA, advising of changes and improvements to processes and resulting revisions to the USCIS *FOIA Processing Guide*.

- Sent biweekly a "FOIA Friendly Reminders" e-mail to all processors and posted it to the internal website. The reminders included hot topics in the processing of FOIA requests with the aim to improve efficiencies and increase standardization of processing practices.

- The FOIA Significant Interest Group communicated weekly with USCIS headquarters program offices to follow up on all outstanding records search requests, and worked to establish expected production times so that requesters were in turn kept apprised of the status of their request.

C. Steps Taken to Increase Proactive Disclosures

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

1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

    - The DHS Privacy Office proactively posted 7,418 pages to the DHS FOIA Library in fiscal year 2017 including:

        o DHS FOIA logs: http://www.dhs.gov/dhs-privacy-foia-logs;
        o Congressional correspondence logs - https://www.dhs.gov/publication/congressional-correspondence-logs;
        o DHS Presidential Transition records - https://www.dhs.gov/publication/presidential-transition-records;
        o DHS Weekly Cabinet Reports - https://www.dhs.gov/publication/dhs-weekly-cabinet-report; and
        o DHS Countering Violent Extremism records: https://www.dhs.gov/publication/countering-violent-extremism.

    - I&A posted I&A Intelligence Oversight Program and Guidelines: https://www.dhs.gov/publication/office-intelligence-and-analysis-intelligence-oversight-program-and-guidelines.

- CBP, in response to certain connected litigation, has recently begun re-using its old Reading Room, and has posted records pertaining to Executive Orders 13767 and 13769[16], monthly reports, and FOIA logs at https://foiarr.cbp.gov/.

- FEMA posted a listing of its underground storage tanks and its FY 2015 and FY 2016 FOIA logs:

    o Underground storage tanks: https://www.dhs.gov/publication/fema-records; and
    o FOIA logs: https://www.dhs.gov/fema-foia-logs.

- FLETC posted its FY 2016 FOIA log: https://www.fletc.gov/sites/default/files/2016%20FOIA%20Log.pdf.

- USCG posted Marine Casualty Investigations, Motor/Vessel EL FARO records, links to the National Response Center Environmental spill site, and major mishap reports: http://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/FOIA-Library/.

- OIG posted frequently requested allegation narratives and its quarterly FOIA logs: https://www.oig.dhs.gov/foia/reading-room.

- TSA posted throughput data, contracts, screening and passenger complaints, attrition rates, Presidential transition records, and quarterly reports.
    o TSA throughput data: https://www.tsa.gov/sites/default/files/foia-readingroom/september_17_2017_to_september_23_2017.pdf;
    o Contracts: https://www.tsa.gov/sites/default/files/foia-readingroom/2012-tsfo-00878_contract_number_hsts04-09-d-st2232.pdf;
    o Passenger complaints: https://www.tsa.gov/sites/default/files/foia-readingroom/2016-tsfo-00195_passenger_complaints_january_2014_to_february_2016.xlsx;
    o Screening complaints: https://www.tsa.gov/sites/default/files/foia-readingroom/san_antonio_international_airport_screenign_complaints_2016-tsfo-00522.pdf;
    o Airport attrition rates - https://www.tsa.gov/sites/default/files/foia-readingroom/2017-tsfo-0297_attrition_rates_for_cat_x_and_cat_i_airports_2014-2016.pdf;
    o TSA Presidential transition records - https://www.tsa.gov/sites/default/files/foia-readingroom/tsa_presidential_transition_records.pdf; and

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[16] *Executive Order 13767*, titled "Border Security and Immigration Enforcement Improvements" is available at https://www.whitehouse.gov/presidential-actions/executive-order-border-security-immigration-enforcement-improvements/ and *Executive Order 13769*, titled "Protecting the Nation from Foreign Terrorist Entry into the United States" https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states/.

- o Customer Service Branch quarterly reports - https://www.tsa.gov/sites/default/files/foia-readingroom/tcc_quarterly_report_-_fy2017_q3.pdf.

- ICE posted Office of Detention Oversight Compliance Inspection Reports, deportation statistics, detention population statistics, contracts, and FOIA logs: https://www.ice.gov/foia/library.

- USCIS posted Alien files of interest, naturalization statistics, contracts, Congressional correspondence, and records pertaining to EB-5 Regional Centers and related employment based petitions: http://www.uscis.gov/about-us/electronic-reading-room.

- USSS posted certain protective travel costs that have been the subject of multiple FOIA requests: http://www.secretservice.gov/press/foia/.

- S&T posted Institutional Biosafety Committee Meeting Minutes and its FY 2016 FOIA log: https://www.dhs.gov/science-and-technology-foia-library.

2. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

- The DHS Privacy Office uses a web service called GovDelivery that allows subscribers to receive e-mail notifications whenever new material is posted.[17] Additionally, the DHS Privacy Office through its eFOIA mobile application enables users to view updates and alerts.

- OIG has an e-mail subscription service and uses social media as a means of transparency, advising its Twitter followers of newly-released reports and documents.

- ICE offers an e-mail service that allows subscribers to receive e-mail notifications whenever new documents are posted to the ICE FOIA Library.

- CBP is making high profile special interest groups aware of the proactive disclosures, and is beginning to proactively identify requesters seeking the same material, and inform them of the opportunity to download immediately rather than wait for a response.

- USCG FOIA Office coordinates with OGC and the Public Affairs Office regarding the release of records pertaining to major incidents. Records are posted for media review on the FOIA Library after the Public Affairs Office notifies the media.

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[17] To receive the e-mail notifications, sign up at https://www.dhs.gov/subscribe-foia-library-notifications. Select How to Subscribe, select free e-mail subscription service, provide your e-mail address when prompted, and then select Freedom of Information Act.

3. 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, see below.

4. If yes, please provide examples of such improvements.

   - As mentioned throughout the report the DHS Privacy Office through its eFOIA mobile application enables users to access all of the content on the FOIA website, including the DHS FOIA Library from their mobile devices. The material posted is in PDF format, which is easily accessible on any computer or mobile device.

   - The DHS Privacy Office provides information on the front page of its DHS FOIA Library informing the public of the volume of requests received, the number of requests processed, and the monthly backlog for the Department, as well as the number of pages released in the current fiscal year. The information is updated monthly and provides a snapshot of the DHS FOIA program and its magnitude.[18]

   - CBP is collaborating with its Office of Chief Counsel to provide additional information in the Executive Orders section that identifies the records along with the associated field offices to assist the public.

   - I&A posts its FOIA logs and annotates posted records as necessary on a case-by-case basis to help the public understand them more easily.

   - FEMA created a user-friendly FOIA website: https://www.dhs.gov/fema-foia-library/, which allows the public access to areas of high interest such as public assistance claims records.

   - OIG monitors its website to ensure materials are accessible and current. Frequently requested records are posted and updated, as required. OIG also uses social media as a means of transparency, advising its Twitter followers of newly-released reports, ways to report allegations, and about whistleblower protection resources. Twitter serves as a secondary communication conduit to further the impact, and accessibility, of OIG publications. Additionally, the public is provided with the option of signing up for e-mail notifications each time a new report is posted on the website.

   - USCIS created a new look for its Electronic Reading Room that is user-friendly including topics to select, and a search function that uses key words within the titles of the documents. USCIS created new pages for posting EB-5 Regional Center Termination

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[18] The snapshot on the DHS FOIA website is available at https://www.dhs.gov/freedom-information-act-foia.

Notices and Congressional correspondence, which are topics of current interest to the public.

5. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

- TSA took the following steps to improve its proactive disclosures:
  - o Implemented a program to significantly increase the number of FOIA-released documents posted to its TSA Reading Room. At the end of FY 2017 TSA had posted approximately 35,000 pages. The proactive disclosure decisions were made primarily through analysis of information requests received through the TSA Contact Center. Examples of proactive posting to address traveler interests include information on airport wait times, passenger throughput, and traveler complaint categories.
  - o Highlighted the existence of materials posted to its reading room through individual conversations with requesters, and on two requester community outreach conference calls solicited feedback on ways to make the posted information more useful.

- USCIS solicited feedback during all of its FOIA requester outreach activities to determine which records would be of interest to the requesters.

- USSS established a FOIA working group to focus on proactive disclosures of information which is of current interest to the media and general public and are the subject of subsequent requests.

D. Steps Taken to Greater Utilize Technology

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

1. Has your agency identified any best practices to leverage technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, please describe the best practices, the types of technology used, and the impact on your agency's processing.

- The DHS Privacy Office and the Components have been using a COTS web application for the past five years, which allows for document sharing and complete interoperability between all Components that use the application. The application provides a de-duplication capability that is currently being used by a small number of Components. This capability allows FOIA staff to upload documents and e-mail correspondence files

and reduce duplicates based on a comparison process performed by the application. The DHS Privacy Office met with the web application vendor on several occasions to identify the Department's needs, and ensure the upgrades to the system met the Department's needs. The DHS Privacy Office also now has the vendor's technician onsite three days a week, which has improved the efficiency of the program. He troubleshoots and mitigates issues the analysts face with the application.

- The eFOIA mobile application that the Department launched allows mobile device users to submit requests to any DHS Component as well as check the status of any request submitted to any DHS Component currently using the COTS web application.

- The DHS Privacy Office and CRCL submit requests to the OCIO to conduct searches for e-mail records, rather than having individual staff members conduct the searches, when a search is expected to return a large volume of records, or if a search is expected to be unusually difficult. The DHS Privacy Office and the OCIO are using the COTS web application and an eDiscovery tool for the de-duplication of documents and key word searches. The offices are also assessing server productivity to enhance the use of the COTS web application.

- FEMA uses its COTS web application to track metrics and began using the Advanced Document Review feature to assist with key word searches for large records sets and for de-duplication.

- USCIS purchased eDiscovery software that sorts and de-duplicates responsive records.

- CBP's uses its AFI system to perform searches for multiple requests in batches, eliminating the need for staff to search each request individually, which in turn allowed the staff to focus on other requests. Further, AFI produces a cleaner record set with less redactions and miscellaneous information.

- TSA uses TSA i-Share to allow its field and airport offices to transmit responsive documents to the FOIA office. This is particularly useful in the transmission of larger documents that often exceed e-mail capacity. Also, TSA receives permission to access select Headquarters office iShare folders when this method is more convenient for the offices to provide documents. Finally, TSA Office of Information Technology is also testing a capability to conduct a centralized search. This would eliminate the need for the FOIA office to task offices to conduct individual searches and also increase the potential for comprehensive results and improve response times.

- OBIM implemented an automated pre-redaction process in which OBIM's information technology department conducts searches for responsive records, and data fields on the records that are redacted 100 percent of the time are pre-redacted with appropriate exemption codes already applied.

- OIG uses its eDiscovery tool to sort and de-duplicate e-mails, process large volumes of records, and for its FOIA litigations.

- FLETC uses SharePoint to communicate, consult, and share records.

2. Did your agency successfully post all four quarterly reports for Fiscal Year 2017?

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

3. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2018.

   This is not applicable to DHS.

4. 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 2016 Annual FOIA Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report.

   DHS posted the raw data for the DHS Annual Report in the Reports section of the DHS FOIA Library. The raw data is in Excel spreadsheet format and broken down by Component available at https://www.dhs.gov/foia-annual-reports.

5. If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.

   - USCIS is designing a new, state-of-the art electronic FOIA processing system to improve customer satisfaction and make its processes more time and effort efficient. This system will automate portions of the current FOIA workflow which will increase timeliness in the processing of cases end-to-end. The system known as FIRST (FOIA Immigration Records SysTem) will also feature a public facing electronic request portal and private electronic reading rooms for more timely responsive records delivery

   - ICE is exploring advanced reporting technologies.

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

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2017 Annual FOIA Report and, when applicable, your agency's 2016 Annual FOIA Report.*

Simple Track Requests:

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

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

   Yes, DHS utilizes a separate track for simple requests. In FY 2017, the Department received 366,036 FOIA requests, as compared to 325,780 in FY 2016. DHS closed 367,546 in FY 2017 as compared to 310,487 in FY 2016. The Department closed 183,873 simple perfected requests in FY 2017, an 11 percent increase compared with the 166,545 closed in FY 2016. DHS closed 154,346 complex perfected requests in FY 2017, a 25 percent increase compared with the 123,229 closed in FY 2016.

2. If so, for your agency overall, for Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer?

   The response time for simple perfected requests that were closed in FY 2017 increased by 32 percent, from 33 to 39 days, the median number of days increased from 10 to 28 days.

   - Eight of the 13 processing Components had median processing times of 20 days or fewer for simple perfected closed requests.

   - Six of the 13 processing Components had average processing times of 20 days or fewer for simple perfected closed requests.

     o As Table 3 below indicates, the DHS Privacy Office, FEMA, I&A, ICE, USCG, and USSS had median and average response times for simple perfected closed requests of 20 days or fewer.

Table 3. Response Time for All Processed Perfected Requests in FY17 as Reported in FY17 Annual Report

Component	Simple			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	32	37.11	<1	503
FEMA	8	9.30	1	20
FLETC	34	66.25	2	285
I&A	1	3.32	<1	79
ICE	1	6.53	1	582
NPPD	83	91.17	<1	488
OIG	72	143.96	1	952
PRIV	2	3.72	<1	35

Component	Simple			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
S&T	9	20.82	<1	118
TSA	7.5	255.46	<1	1,302
USCG	10	10.52	1	20
USCIS	44	43	1	556
USSS	12	11.61	1	33
AGENCY OVERALL	**28.77**	**39.11**	**<1**	**1,302**

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.

   In FY 2017, DHS processed 367,546 requests, of those 183,873 or 50 percent were simple.

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

   This is not applicable to DHS.

Backlogged Requests

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

5. If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?

   Yes. As Table 4 below indicates, the DHS backlog decreased in FY 2017 by six percent. The majority of the Components reduced their backlogs. This decrease is due to the joint initiatives of two Components and the DHS Privacy Office. Notably, NPPD decreased its backlog by 93 percent and FEMA decreased its backlog by 79 percent.

Table 4. Comparison of Backlogged Requests from Previous and Current Annual Report[19]

Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
CBP	1,172	1,008
FEMA	1,447	310

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[19] Find the *2016 Annual Report* at
https://www.dhs.gov/sites/default/files/publications/FY%202016%20DHS%20FOIA%20Annual%20Report.pdf.

Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
FLETC	20	9
I&A	15	9
ICE	471	391
NPPD	3,825	267
OIG	112	107
PRIV	205	436
S&T	2	0
TSA	692	623
USCG	2,180	1,963
USCIS	35,763	37,887
USSS	884	1,107
AGENCY OVERALL	**46,788**	**44,117**

6. If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors: an increase in the number of incoming requests, a loss of staff, and/or an increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.

   This is not applicable to DHS.

7. 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 2017.

   DHS received 366,036 requests in FY 2017. The backlog of 44,117 requests comprises 12 percent of requests received.

Backlogged Appeals

8. If your agency had a backlog of appeals at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?

   No. As Table 5 below indicates, the DHS appeals backlog increased in FY 2017 by 31 percent. FLETC and USCIS maintained backlogs at zero. FEMA, OIG, TSA, and USCG reduced their backlogs.

Table 5. Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report

Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
CBP	12	18
FEMA	36	8
FLETC	0	0
ICE	8	45
OGC	29	79
OIG	1	0
TSA	9	5
USCG	23	16
USCIS	0	0
USSS	0	1
AGENCY OVERALL	**118**	**172**

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors: an increase in the number of incoming appeals, a loss of staff, and/or an increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.

- CBP's backlog increased due to the increase in the amount of time its staff spent on litigation and the time spent resolving some of its older complex cases, which were broad in nature.

- ICE's backlog increased due to loss of staff detailed to handle appeals and due to a number of vacancies that needed to be filled.

- OGC's backlog increased due to several factors including an increase in the number of incoming appeals overall and specifically related to OBIM records as a result of the backlog reduction effort. The number of appeals increased overall, however, the number of FOIA staff handling the intake and processing of the appeals remained the same as did the number of USCG administrative law judges who issue the final determinations.

10. 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 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A."

DHS received 5,386 appeals in FY 2017 with a backlog of 172 appeals, for which three percent of the appeals make up the backlog.

Backlog Reduction Plans:

11. In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2016 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 2017?

As mentioned in question five above, DHS decreased its backlog by six percent in FY 2017. The DHS Privacy Office and the Components were committed to reducing their backlogs and implemented several plans. Backlog reduction plans mentioned and implemented from last year's report include:

- The DHS Privacy Office took the following actions:

  o Partnered with NPPD/OBIM leadership in April 2017 to execute an aggressive Backlog Reduction Project. As a result of this collaboration, the teams reduced OBIM's backlog by over 99 percent by the end of FY 2017, thereby reducing the Department's backlog by 30 percent. The OBIM backlog started at roughly 11,000 requests in the beginning of the project in April 2017, and increased to over 13,000 requests by the time the DHS Privacy Office expanded its role in July 2017. At the end of FY 2017, the OBIM backlog stood at less than 40 cases.
  o Provided monthly updates to the Component FOIA Officers and senior level leadership containing charts depicting DHS FOIA Backlog monthly statistics including a summary and analysis. The updates also included 10 Oldest Requests, FOIA Appeals, and Proactive Disclosure information, and recommended steps to improve production. The report include the following language: "As a reminder, the DHS Privacy Office provides this monthly report not only as a snapshot of FOIA activity at the Department and in your Component, but also it is a call to action to

reduce your backlog, close the 10 oldest cases and 10 oldest appeals, and also close the open requests."

- o Convened weekly management meetings, conducted oversight of the FOIA processing workload, and devoted considerable executive attention to requests that require other offices to provide the DHS Privacy Office with responsive materials.
- o Leadership met weekly to discuss the 10 oldest FOIA requests, appeals, and outstanding consultations, and determine what steps needed to be taken to complete the processing of these requests.
- o On a monthly basis, or as needed, the Senior Director of FOIA Operations, along with senior staff, reviewed the workload of each analyst to determine whether cases needed to be redistributed, and to consider, together with the Deputy Chief FOIA Officer, the possible reallocation of resources as needed. In addition, on a quarterly basis, the Senior Director of FOIA Operations, together with other senior staff members, reviewed the existing backlog to determine the number of cases pending for more than the 20 days, as provided by statute.
- o The Senior Director of FOIA Operations continued to monitor staffing levels and make recommendations to the DHS Privacy Office leadership to ensure that the number of personnel dedicated to FOIA was adequate to process expected increasing workloads. However, the Department notes that staffing will continue to be a challenge. Thus, it may be increasingly difficult to maintain appropriate staffing levels to fulfill the mission in the manner in which the Department is accustomed.

- CBP implemented the following actions to reduce the FOIA backlog:

  - o Implemented its AFI system to perform searches for multiple requests in batches, which allowed the staff to focus on other requests;
  - o Expanded the use of compensatory time and overtime for its staff;
  - o Filled full-time positions; and
  - o Brought on interns and individuals from its field offices in a temporary duty status.

- USCIS took the following steps to reduce its backlog:

  - o Authorized the use of overtime for its staff. USCIS processed an additional 38,065 FOIA cases through authorized overtime of 44,784 hours;
  - o Executed a contract for backlog processing in October 2016 and terminated the contract after eight months of performance, with 10,991 cases closed;
  - o Awarded a new contract to a different vendor for backlog processing. In January 2018, USCIS anticipates issuing a notice to proceed as the vendor will have full staffing levels; and
  - o Implemented an all hands on deck approach to FOIA processing from May through October 2017, to include temporarily halting special projects, ancillary duties, and anything else detracting from the focus on increasing processing and reducing the backlog.

- FEMA took the following steps to reduce its backlog:

    o Established strong performance metrics at the direction of its new leadership, which ensured staff focused on mission goals and expectations; and
    o Established a more collaborative relationship with its program offices, which resulted in a more efficient communication process and quicker responses to search taskers.

- TSA took the following steps to reduce its backlog:

    o Established two teams to address the incoming tasks in order to close them quickly and prevent them from adding to the backlog and to address the cases already in the backlog;
    o Established a more collaborative relationship with program offices, which resulted in a more efficient communication process and quicker responses to search taskers; and
    o Implemented a program focused on closing Privacy Act requests faster.

- USCG provided semi-annual open request reports to its directorates and units to facilitate to reduce its backlog and facilitate responses to its oldest requests.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018?

    The DHS Privacy Office and the Components listed above will continue to implement the above described initiatives along with the following efforts for the year ahead:

- The DHS Privacy Office entered into a 120-day memorandum of agreement with NPPD/OBIM to assume operational oversight and control of the OBIM FOIA program and staff and also detailed a senior FOIA analyst to NPPD for 120 days to assist with FOIA cases that are not related to OBIM.

- USCIS is taking the following steps to reduce its backlog:

    o Completing the onboarding and training of the individuals recruited for and hired in FY 2017;
    o Recruiting for and filling the 23 existing vacancies in the FOIA program;
    o Initiating hiring actions related to the new staffing allocation model for FY 2018, in which USCIS recommended an additional 54 personnel to the USCIS FOIA program. USCIS is awaiting a decision regarding the number of positions approved for funding;
    o Executing the recently awarded backlog contract, with a goal of processing 22,000 cases in FY 2018;
    o Authorizing overtime in FY 2018, with a goal of processing 33,000 additional cases; and
    o Developing FIRST, a new system that will automate portions of the current FOIA workflow increasing timeliness in the processing of cases end-to-end. FIRST will also use a public-facing electronic request portal and private electronic reading rooms for more timely responsive records delivery. Projected deployment of an initial test

version of FIRST is anticipated to occur in March 2018. Full deployment of the new system is expected by September 30, 2018.

- USSS plans to continue to filling vacant positions, offer overtime, and use its on-site vendor support to address issues with its COTS web application.

- USCG requested additional resources to address the backlog and will continue to increase communication with its field offices and leadership through the issuance of its semi-annual backlog report.

- TSA is addressing its backlog with the introduction of its dedicated Case Management Team, whose responsibility includes managing cases, tracking progress, improving tasked office response times through alerts and follow-up actions, conducting requester outreach to better scope cases, and identifying cases that might be quick closures.

- CBP is focusing on the more complicated non-traveler requests, checking for duplicates, and corresponding more frequently with its program offices and its requesters.

Status of Ten Oldest Requests, Appeals, and Consultations:

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

Ten Oldest Requests:

13. In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

    Yes, DHS closed the 10 oldest requests pending at the end of FY 2016.

14. 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 2016 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

    This is not applicable to DHS.

Table 6. Ten Oldest Pending Requests as Reported in the 2016 Annual FOIA Report[20]

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	2014-06-03	2014-05-21	2014-05-02	2014-04-15	2014-04-02	2014-03-20	2014-03-18	2014-02-20	2014-02-04	2013-12-20
	Number of Days Pending	587	595	608	621	630	639	641	659	670	698
CRCL	Date of Receipt	2015-06-08	2015-04-23	2015-04-09	2015-03-19	2015-03-16	2014-12-23	2014-12-16	2014-12-16	2014-12-08	2014-12-04
	Number of Days Pending	333	364	374	389	392	447	452	452	458	460
FEMA	Date of Receipt	2013-07-02	2013-06-24	2013-06-20	2013-06-07	2013-06-04	2013-05-13	2013-05-09	2013-04-01	2013-03-08	2013-01-09
	Number of Days Pending	816	822	824	833	836	851	853	881	897	937
FLETC	Date of Receipt	2016-04-18	2016-04-18	2016-04-18	2016-03-31	2016-02-12	2015-12-04	2015-12-04	2015-11-16	2015-11-10	2015-10-09
	Number of Days Pending	117	117	117	129	162	209	209	222	225	246
I&A	Date of Receipt	2016-03-30	2016-02-23	2016-02-01	2016-01-22	2016-01-14	2015-12-01	2015-10-27	2015-07-10	2015-07-01	2014-12-30
	Number of Days Pending	130	156	171	177	182	212	235	310	316	443
ICE	Date of Receipt	2015-09-25	2015-09-23	2015-09-23	2015-07-30	2015-07-29	2015-07-23	2015-07-08	2015-07-08	2015-06-23	2015-02-23
	Number of Days Pending	256	258	258	296	297	301	312	312	322	407
NPPD	Date of Receipt	2015-07-08	2015-07-08	2015-07-07	2015-06-09	2015-06-01	2015-05-01	2015-04-20	2015-04-08	2015-03-16	2014-08-25
	Number of Days Pending	312	312	313	332	338	358	367	375	392	529
OIG	Date of Receipt	2014-02-26	2014-02-10	2014-01-22	2013-12-19	2013-12-09	2013-09-09	2013-08-30	2013-06-13	2013-02-28	2013-02-01
	Number of Days Pending	260	262	265	299	321	321	352	362	446	480
PRIV	Date of Receipt	2015-09-21	2015-09-17	2015-09-14	2015-07-27	2015-06-24	2015-06-24	2015-05-11	2015-04-27	2014-12-24	2014-11-04
	Number of Days Pending	259	261	264	298	320	320	351	361	473	479
S&T	Date of Receipt	N/A	N/A	N/A	N/A	2016-09-21	2016-09-14	2016-09-12	2016-08-25	2016-08-11	2016-06-07
	Number of Days Pending	0	0	0	0	8	13	15	26	36	82
TSA	Date of Receipt	2012-04-10	2012-04-03	2012-03-26	2012-03-22	2012-02-17	2012-02-08	2012-01-10	2011-11-29	2011-08-11	2011-05-23
	Number of Days Pending	1,125	1,130	1,136	1,138	1,161	1,168	1,188	1,217	1,292	1,349

[20] The requests, appeals, and consultations reported in the *2016 FOIA Annual Report* that are still pending are highlighted in red in the Ten Oldest Pending Requests (Table 6) and Ten Oldest Pending Appeals (Table 7).

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
USCG	Date of Receipt	2010-12-02	2010-11-19	2010-11-08	2010-10-06	2010-10-05	2010-08-04	2010-08-01	2010-07-30	2010-07-28	2010-05-17
	Number of Days Pending	1467	1475	1483	1505	1506	1549	1551	1552	1554	1604
USCIS	Date of Receipt	2015-08-26	2015-08-24	2015-08-14	2015-08-14	2015-08-07	2015-07-31	2015-07-20	2015-07-10	2015-06-30	2015-06-24
	Number of Days Pending	277	279	285	285	290	295	304	310	317	321
USSS	Date of Receipt	2011-09-08	2011-08-29	2011-08-26	2011-08-26	2011-08-26	2011-08-26	2011-08-26	2011-08-26	2011-08-26	2011-06-07
	Number of Days Pending	1,272	1,280	1,281	1,281	1,281	1,281	1,281	1,281	1,281	1,339
AGENCY OVERALL	**Date of Receipt**	**2010-12-02**	**2010-11-19**	**2010-11-08**	**2010-10-06**	**2010-10-05**	**2010-08-04**	**2010-08-01**	**2010-07-30**	**2010-07-28**	**2010-05-17**
	Number of Days Pending	**1,467**	**1,475**	**1,483**	**1,505**	**1,506**	**1,549**	**1,551**	**1,552**	**1,554**	**1,604**

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

None of the Department's 10 oldest requests were closed because the request was withdrawn by the requester. However, three Components closed requests from their 10 oldest as noted below.

- TSA closed three requests and provided no interim responses

- NPPD closed two requests and provided no interim responses.

- OIG closed one request and provided no interim responses.

Ten Oldest Appeals:

16. In Fiscal Year 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

Yes, DHS closed the 10 oldest administrative appeals pending at the end of FY 2016.

17. 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 2016 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

This is not applicable to DHS.

Table 7. Ten Oldest Pending Appeals as Reported in the 2016 Annual FOIA Report

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
CBP	Date of Receipt	2016-06-16	2016-04-05	2016-03-11	2015-01-21	2014-11-07	2014-06-05	2014-03-07	2014-03-07	2013-12-23	2013-12-12
CBP	Number of Days Pending	75	126	143	429	477	585	648	648	697	704
FEMA	Date of Receipt	2012-07-24	2012-05-08	2012-03-06	2011-11-07	2011-10-28	2010-10-05	2010-08-27	2010-05-06	2009-08-31	2009-02-26
FEMA	Number of Days Pending	1052	1105	1150	1231	1237	1506	1532	1611	1,777	1,907
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FLETC	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
ICE	Date of Receipt	2016-09-06	2016-08-30	2016-08-30	2016-08-29	2016-08-24	2016-08-02	2016-07-28	2016-07-26	2016-06-30	2016-06-28
ICE	Number of Days Pending	19	23	23	24	27	43	46	48	65	67
OGC	Date of Receipt	2016-06-24	2016-06-17	2016-06-17	2016-05-06	2016-03-28	2016-02-20	2016-02-03	2015-12-17	2015-12-03	2015-12-03
OGC	Number of Days Pending	69	74	74	103	132	157	169	200	210	210
OIG	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2015-07-09
OIG	Number of Days Pending	0	0	0	0	0	0	0	0	0	311
TSA	Date of Receipt	2016-09-07	2016-08-15	2016-08-12	2016-08-05	2016-08-03	2016-07-14	2016-07-14	2016-06-15	2016-06-01	2016-04-15
TSA	Number of Days Pending	18	34	35	40	42	56	56	76	86	118

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
USCG	Date of Receipt	2015-09-12	2015-09-03	2015-08-10	2015-07-02	2015-05-19	2015-03-19	2015-01-29	2014-10-22	2014-06-09	2013-09-09
	Number of Days Pending	265	271	289	315	346	389	423	489	583	769
USCIS	Date of Receipt	2016-09-16	2016-09-16	2016-09-13	2016-09-13	2016-09-12	2016-09-09	2016-09-09	2016-09-09	2016-09-09	2016-09-09
	Number of Days Pending	11	11	14	14	15	16	16	16	16	16
USSS	Date of Receipt	2016-09-26	2016-09-26	2016-09-26	2016-09-26	2016-09-26	2016-09-26	2016-09-26	2016-09-26	2016-09-26	2016-09-26
	Number of Days Pending	5	5	5	5	5	5	5	5	5	5
AGENCY OVERALL	Date of Receipt	2012-07-24	2012-05-08	2012-03-06	2011-11-07	2011-10-28	2010-10-05	2010-08-27	2010-05-06	2009-08-31	2009-02-26
	Number of Days Pending	1,052	1,105	1,150	1,231	1,237	1,506	1,532	1,611	1,777	1,907

Ten Oldest Consultations:

18. In Fiscal Year 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

   No, DHS did not close the 10 oldest consultations at the end of FY 2016.

19. 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 2016 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

   DHS closed eight of the total oldest consultations from the Fiscal Year 2016 report.

Table 8. Ten Oldest Pending Consultations as Reported in the 2016 Annual FOIA Report

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	2014-10-06	2014-10-06	2014-08-19	2014-08-14	2014-06-24	2014-06-17	2014-05-19	2014-04-18	2014-04-18	2014-02-27
CBP	Number of Days Pending	500	500	533	536	572	577	597	618	618	654
CRCL	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CRCL	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
FEMA	Date of Receipt	2016-07-28	2016-07-06	2016-06-21	2016-06-20	2016-03-21	2016-02-05	2015-12-15	2015-12-10	2015-09-01	2015-04-10
FEMA	Number of Days Pending	46	62	72	73	137	167	202	205	273	373
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FLETC	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
I&A	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2016-07-14	2016-03-07	2015-12-22
I&A	Number of Days Pending	0	0	0	0	0	0	0	56	147	197
ICE	Date of Receipt	2016-05-31	2016-04-07	2016-03-15	2013-08-27	2013-08-16	2013-08-16	2013-08-16	2013-06-24	2013-06-24	2013-06-16
ICE	Number of Days Pending	87	124	141	777	784	784	784	822	822	827
NPPD	Date of Receipt	2016-08-04	2016-08-01	2016-07-27	2016-07-19	2016-07-13	2016-07-01	2016-06-23	2016-06-03	2016-05-06	2016-04-19
NPPD	Number of Days Pending	41	44	47	53	57	64	70	84	103	116
OIG	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2014-12-17
OIG	Number of Days Pending	0	0	0	0	0	0	0	0	0	451
PRIV	Date of Receipt	2016-09-27	2016-09-13	2016-09-13	2016-08-15	2016-07-19	2016-07-19	2016-07-14	2016-05-24	2016-03-31	2016-02-02
PRIV	Number of Days Pending	4	14	14	34	53	53	56	91	129	170
S&T	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
S&T	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
TSA	Date of Receipt	2016-06-21	2016-06-20	2016-06-13	2016-06-01	2016-04-13	2015-12-18	2015-12-18	2015-04-14	2015-03-18	2014-06-24
TSA	Number of Days Pending	72	73	78	86	120	199	199	371	390	572

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
USCG	Date of Receipt	2015-05-28	2015-04-03	2015-04-01	2015-01-13	2015-01-13	2015-01-13	2014-12-10	2014-12-10	2013-06-20	2011-05-05
USCG	Number of Days Pending	340	378	380	434	434	434	456	456	824	1,361
USCIS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2016-06-30
USCIS	Number of Days Pending	0	0	0	0	0	0	0	0	0	65
USSS	Date of Receipt	2016-06-21	2016-04-12	2016-04-12	2016-03-02	2016-02-24	2016-01-19	2015-08-14	2014-04-25	2013-09-03	2013-02-13
USSS	Number of Days Pending	72	121	121	150	155	180	285	613	772	914
AGENCY OVERALL	**Date of Receipt**	**2013-08-27**	**2013-08-16**	**2013-08-16**	**2013-08-16**	**2013-06-24**	**2013-06-24**	**2013-06-20**	**2013-06-16**	**2013-02-13**	**2011-05-05**
AGENCY OVERALL	**Number of Days Pending**	**777**	**784**	**784**	**784**	**822**	**822**	**824**	**827**	**914**	**1,361**

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.

    The Components faced obstacles this year in closing the oldest requests and appeals from FY 2017, as noted below:

    - CBP: one remaining oldest request is complex and has a nexus to litigation.

    - FEMA: the large volume of responsive records requiring analysis.

    - NPPD: insufficient staffing levels due to vacancies.

    - USCG: three of the 10 oldest appeals are still undergoing legal sufficiency reviews requiring coordination among multiple offices.

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

    This is not applicable to DHS.

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2017.

- The DHS Privacy Office will continue to provide updates to Department and Component leadership and FOIA Officers regarding DHS FOIA Backlog monthly statistics including a summary and analysis. Additionally, the Chief FOIA Officer will continue to include this information in one-on-one meetings with Component leadership as needed.

- FEMA will continue to prioritize closure of the 10 oldest cases by meeting regularly with its staff and its program offices.

- TSA implemented a plan to ensure closure of its ten oldest cases no later than September 30, 2018. TSA added a requirement in FOIA staff's performance plan. Additionally, TSA requires a weekly status report highlighting any current or foreseen obstacles. Finally, TSA provides a weekly report to its leadership on the status of each of these ten oldest cases, so they are fully apprised of progress, problems, and issues in case higher-level assistance is needed.

- NPPD will prioritize the duties of its new permanent staff to assess and process the oldest cases. In FY 2018, NPPD's FOIA Officer and an administrative support specialist will assist with the backlog.

- USCG will increase its monitoring of its backlog of oldest cases and improve its communication with its OGC regarding the legal sufficiency reviews.

III. Spotlight on Success

- The DHS Privacy Office clarified the roles and responsibilities of the Chief FOIA Officer, the Deputy Chief FOIA Officer, Component FOIA Officers, and other responsible officials regarding FOIA through the issuance of the new Directive 262-11, Freedom of Information Act Compliance, which was signed on April 17, 2017,[21] by the then-Acting Under Secretary for Management.

- The DHS Privacy Office partnered with NPPD/OBIM leadership in April 2017 to execute an aggressive Backlog Reduction Project. As a result of this collaboration, the teams reduced OBIM's backlog by over 99 percent by the end of FY 2017, thereby reducing the Department's backlog by 30 percent. The OBIM backlog started at roughly 11,000 requests in the beginning of the project in April 2017, and increased to over 13,000 requests by the time the DHS Privacy Office expanded its role in July 2017. At the end of FY 2017, the OBIM backlog stood at less than 40 cases.

- ICE created a workflow in its eDiscovery tool, which allowed the staff to ingest thousands of electronic files into the tool and use analytics to seek responsive records. The process now takes minutes rather than months. ICE shared this workflow with FEMA and NPPD for use in their FOIA litigation cases. The workflow eliminated a combined 81,820 non-responsive files, which would have previously required the staff to search manually.

- FEMA decreased its backlog by 79 percent, by responding to 115 percent more requests in FY 2017. Notably, FEMA accomplished this despite the absence of 60 percent of its staff who were deployed in September 2017 to assist survivors impacted by Hurricane Irma.

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[21] This guidance is available at https://www.dhs.gov/publication/freedom-information-act-compliance-directive-04601.

APPENDIX A: Composition of the Department of Homeland Security

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

Offices:

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

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

Countering Weapons of Mass Destruction (CWMD) Office counters attempts by terrorists or other threat actors to carry out an attack against the United States or its interests using a weapon of mass destruction.

Domestic Nuclear Detection Office (DNDO) prevents nuclear terrorism by continuously improving capabilities to deter, detect, respond to, and attribute attacks, in coordination with domestic and international partners.

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

Military Advisor's Office (**MIL)** provides counsel and support to the Secretary and Deputy Secretary in affairs relating to policy, procedures, preparedness activities, and operations between the Department and the Department and of Defense.

Office of the General Counsel (OGC) integrates approximately 1,800 attorneys from throughout the Department into an effective, client-oriented, full-service legal team. OGC comprises a headquarters office with subsidiary divisions and the legal programs for eight Department components.

Office of Health Affairs (OHA) provides medical, public health, and scientific expertise in support of the Department's mission to prepare for, respond to, and recover from all threats.

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

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

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

Office of Partnership and Engagement (OPE) coordinates the Department's outreach efforts with key stakeholders nationwide, ensuring a unified approach to external engagement.

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

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

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

DHS Components and Directorates:

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

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

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

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

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

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

National Protection and Programs Directorate (NPPD) advances the Department's risk-reduction mission which requires an integrated approach that encompasses both physical and virtual threats and their associated human elements.

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

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

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

U.S. Citizenship and Immigration Services (USCIS) secures America's promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system.

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

APPENDIX B: DHS Organizational Chart[22]

U.S. Department of Homeland Security

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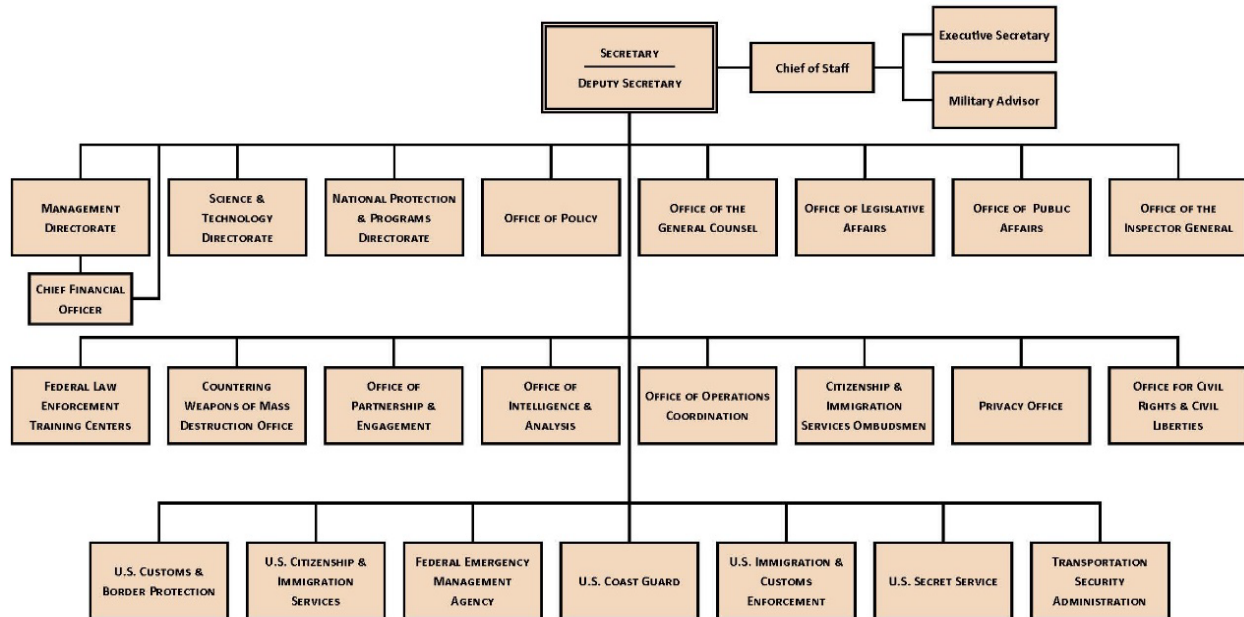
[22] On December 2017, DHS established the CWMD Office by consolidating primarily DNDO and a majority of OHA, as well as other DHS elements.

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

Department of Homeland Security Chief FOIA Officer

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

James V.M.L. Holzer
Deputy Chief FOIA Officer
Privacy Office
U.S. Department of Homeland Security
245 Murray Lane, SW, Mail Stop 0655
Washington, DC 20528-0655

Department of Homeland Security Component FOIA Officers

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

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

Office for Civil Rights and Civil Liberties
Bradley White
Ph: 202-343-1743; Fax: 202-343-4011
U.S. Department of Homeland Security
245 Murray Lane, SW, Mail Stop 0655
Washington, DC 20528-0655

Office of Biometric Identity Management
Aeron McGraw
Ph: 202-295-5454; Fax: 202-298-5201
U.S. Department of Homeland Security
245 Murray Lane, SW, Mail Stop 0628
Washington, DC 20528-0628

U.S. Coast Guard
Gaston Brewer
Ph: 202-475-3525; Fax: 202-475-3927
Commandant (CG-611)
2701 Martin Luther King Jr Ave, SE
Stop 7710
Washington, DC 20593-0001

U.S. Customs and Border Protection
Sabrina Burroughs
Ph: 202-325-0150; Fax: 202-325-0230
FOIA Officer
1300 Pennsylvania Avenue, NW
Room 3.3D
Washington, DC 20229

Federal Emergency Management Agency
Eric Neuschaefer
Ph: 202-646-3323; Fax: 202-646-3347
Records Management Division
500 C Street, SW, Mail Stop 3172
Washington, DC 20472

Federal Law Enforcement Training Centers
Alicia Aldridge
Ph: 912-261-4512; Fax: 912-267-3113
Building No.681, Suite B187
1131 Chapel Crossing Road
Glynco, GA 31524

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

National Protection and Programs
Directorate
Toni Fuentes
Ph: 703-235-2211; Fax: 703-235-2052
U.S. Department of Homeland Security
Washington, DC 20528-0380

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

Office of Intelligence and Analysis
Brendan Henry
Ph: 202-447-3783; Fax: 202-612-1936
U.S. Department of Homeland Security
Washington, DC 20528-0001

Science and Technology Directorate
Sally Harris
Ph: 202-254-5700; Fax: N/A
U.S. Department of Homeland Security
Washington, DC 20528-0001

Transportation Security Administration
Deborah Moore, Acting
Ph: 1-866-FOIA-TSA; Fax: 571-227-1406
601 S. 12th Street
11th Floor, East Tower, TSA-20
Arlington, VA 20598-6020

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

APPENDIX D: Acronyms, Definitions, and Exemptions

1. Agency-specific acronyms or other terms

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

2. Definition of terms, expressed in common terminology

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

b. **Average Number –** The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8, determined by dividing 24 by 3.

c. **Backlog –** The number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

d. **Component –** For agencies that process requests on a decentralized basis, a "Component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in Annual FOIA Report data for both the agency overall and for each principal Component of the agency.

e. **Consultation** – The procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it provides its views on the record to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

f. **Exemption 3 Statute** – A federal statute other than FOIA that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

g. **FOIA Request** – A FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), an organization, or a particular topic of interest. Moreover, because requesters covered by the Privacy Act who seek records concerning themselves (i.e., "first-party" requesters) are afforded the benefit of the access provisions of both FOIA and the Privacy Act, the term "FOIA request" also includes any such "first-party" requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where the agency applies a Privacy Act exemption and therefore looks to FOIA to afford the greatest possible access. Prior to January 25, 2017, DHS applied this same interpretation of the term "FOIA request" even to "first-party" requests from persons not covered by the Privacy Act, e.g., non-U.S. citizens, because DHS by policy previously provided such persons the ability to access their own records in DHS's Privacy Act "mixed systems of records" as if they were subject to the Privacy Act's access provisions, and DHS processed the requests under FOIA as well.[23]

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[23] Additional information regarding the exclusion of protections of the Privacy Act for non-U.S. citizens is in

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of the Annual FOIA Report.)

h. **Full Grant** – An agency decision to disclose all records in full in response to a FOIA request.

i. **Full Denial** – An agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

j. **Median Number** – The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

k. **Multi-Track Processing** – A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

　　i. **Expedited Processing** – An agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

　　ii. **Simple Request –** A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.

　　iii. **Complex Request** – A FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

l. **Partial Grant/Partial Denial** – An agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

m. **Pending Request or Pending Administrative Appeal –** A request or administrative appeal for which an agency has not taken final action in all respects.

Executive Order: Enhancing Public Safety in the Interior of the United States, Section 14, available at https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united.

n. **Perfected Request** – A request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

o. **Processed Request or Processed Administrative Appeal** – A request or administrative appeal for which an agency has taken final action in all respects.

p. **Range in Number of Days** – The lowest and highest number of days to process requests or administrative appeals

q. **Time Limits** – The time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a perfected FOIA request).

3. Concise descriptions of FOIA exemptions:

a. **Exemption 1**: classified national defense and foreign relations information

b. **Exemption 2**: internal agency rules and practices (personnel)

c. **Exemption 3**: information that is prohibited from disclosure by another federal law

d. **Exemption 4**: trade secrets and other confidential business information

e. **Exemption 5**: inter-agency or intra-agency communications that are protected by legal privileges.

f. **Exemption 6**: information involving matters of personal privacy

g. **Exemption 7**: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

h. **Exemption 8**: information relating to the supervision of financial institutions

i. **Exemption 9**: geological information on wells