

Department of Homeland Security

2019 Chief Freedom of Information Act Officer Report

April 2019



Homeland
Security

The Department of Homeland Security's (DHS) leadership takes seriously its responsibility to provide oversight and support to ensure the Department-wide success of the FOIA program. The Department's FOIA Program is one of the largest FOIA Operations in the Federal Government: in Fiscal Year (FY) 2018, 579 FOIA personnel processed more than 374,946 requests—releasing more than 35 million pages of records. The Department spent more than \$76 million supporting FOIA operations.

The DHS Privacy Office, led by the Chief Privacy Officer (who is also the Chief FOIA Officer), is responsible for FOIA policy, program oversight, training, and the efficacy of the DHS FOIA program. The DHS Privacy Office leadership meets regularly with DHS leadership to 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 Component FOIA offices have the resources required to keep the FOIA programs running efficiently and providing a high level of customer service.

Reducing the FOIA backlog remains a Department priority. Notably, the DHS Privacy Office took several aggressive actions to reduce Component's backlogs – successfully eliminating approximately 12,000 requests from the Department-wide backlog by the end of FY 2018. The former DHS Chief FOIA Officer spoke about the Department's FOIA program and the Department's approach to addressing the challenges contributing to the Department's systemic backlog on a panel at a Chief FOIA Officers Council meeting and at the American Society of Access Professionals (ASAP) National Training Conference. In order to identify and address the underlying causes of the backlog, Components completed all of the modules included in the Department of Justice's (DOJ) Office of Information Policy's (OIP) FOIA Self-Assessment. The DHS Privacy Office is reviewing the responses and developing a comprehensive backlog reduction plan that identifies best practices and areas for improvement with an eye towards streamlining processes; identifying resource needs, training and policy gaps; and identifying new technologies.

In addition to addressing the backlog, the DHS Privacy Office and Components strengthened the Department's FOIA operations, by conducting internal training and serving on various panels outside the Department in order to: (1) help standardize FOIA best practices across the Department; and (2) promote transparency and openness within DHS and among the FOIA requester community. The DHS Privacy Office and Components also focused on implementing the presumption of openness, increasing proactive disclosure, using technology, and improving responsiveness and timeliness.

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 DHS Privacy Office are available on our website: www.dhs.gov/FOIA.

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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 regulations² 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 Offices is provided in Appendix D.

B. FOIA Operations and the DHS Privacy Office

In accordance with *Executive Order 13392, Improving Agency Disclosure of Information*,⁴ 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.⁵ The Chief Privacy Officer leads the DHS Privacy Office and reports directly to the Secretary on both FOIA and privacy matters.⁶ 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*.⁷

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

² See: <https://www.dhs.gov/publication/federal-register-notice-freedom-information-act-and-privacy-act-procedures-interim-final>.

³ The DHS Organizational Chart is provided in Appendix B.

⁴ *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>.

⁵ 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>.

⁶ 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.

⁷ Pub. L. 107-347, § 208, 44 U.S.C. § 101 note.

Strategic Plan⁸. 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. Over the last year, the Department has issued a management directive clarifying the DHS FOIA roles and responsibilities, and two compliance instructions regarding the release of employee personnel information and DHS reporting requirements. 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 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. This year the team also kicked off a self-assessment compliance program using OIP's self-assessment modules; the team is evaluating Component responses with an eye towards identifying best practices and areas of improvement.

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

⁸ See: <https://www.dhs.gov/sites/default/files/publications/DHS%20Privacy%20Office%20FY%202019-2022%20STRATEGIC%20PLAN.pdf>

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, 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.

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. In FY 2018, the FOIA Disclosure Team processed 1,453 FOIA requests – an increase of 40 percent compared to FY 2017 (1,034). This team also led an aggressive backlog reduction efforts in collaboration with the Office of



Biometric Identity Management (OBIM), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE) ICE – helping to eliminate about 12,000 requests from the DHS

backlog by the end of FY 2018

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. In FY 2018, the FOIA Appeals and Litigation Team, managed the administration of 334 appeals in FY 2018 – an increase of 53 percent compared to the previous fiscal year (218 appeals), and released almost 35,000 pages in litigation.

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 Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above this level?

Yes.¹⁰

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

Jonathan Cantor, Acting Chief Privacy Officer.

FOIA Training:

3. 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, DHS FOIA professionals from the DHS Privacy Office and the Component FOIA Offices attended FOIA training or conferences. .

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

¹⁰ In accordance with 5 U.S.C. 552(j)(1), "Each agency shall designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level)." DHS Delegation Number 13001, "Delegation to the Chief Privacy Officer," dated August 29, 2011, delegates the full authority and responsibility of the Department's FOIA operations and programs to the Chief Privacy Officer (CPO). Further, DHS Directive Number 262-11, "Freedom of Information Act Compliance," dated April 17, 2017, designates the CPO to serve as the Chief FOIA Officer. The CPO for the Department is appointed by the Secretary under 6 U.S.C. § 142 without Senate confirmation in accordance with the Appointments Clause to the U.S. Constitution. The CPO serves as a senior official in the Department reporting to the Secretary and exercising significant government authority. The CPO meets the senior executive service standard under 5 U.S.C. § 3132(a)(2) and is classified above the GS-15 level. Accordingly, the CPO is comparable to a senior executive level position at executive schedule levels III, IV, or V.

The DHS Privacy Office took several steps to meet the Chief FOIA Officer's responsibility to "offer training to agency staff regarding their responsibilities." The DHS Privacy Office required all full-time FOIA employees to complete the DOJ OIP FOIA Training for Federal Employees, which is available through the Department-wide online learning systems. The DHS Privacy Office monitored completion of the training through monthly reporting. In FY 2018 100 percent of DHS FOIA professionals completed the training, and through January 2019, 94 percent of DHS FOIA professionals completed this training.

Additionally, the DHS Privacy Office worked with the Office of Government Information Services (OGIS) to provide a DHS-specific training session on dispute resolution skills that was open to all DHS FOIA employees.

The DHS Privacy Office also:

- Provided staff training on:
 - Exemption 4 in partnership with the Federal Emergency Management Agency (FEMA) FOIA Officer.
 - Exemption 7 and an overview of the Alien file and U.S. Immigration and Customs Enforcement's (ICE) operation in partnership with the ICE FOIA Officer.
- An Overview of the mission and structure of the Office for Civil Rights and Civil Liberties (CRCL) and the types of records under its purview in partnership with CRCL's FOIA Officer, Programs Branch Director, Compliance Branch Director, and Deputy Director.
- Conducted biweekly New Employee Training on the FOIA along with best practices for safeguarding personally identifiable information.
- Met biweekly regarding its FOIA program and processing requests, and provided training in five of its meetings regarding general FOIA provisions, exemptions, appeals, and records searches.
- Sent all Privacy Office FOIA professionals to the ASAP National Training Conference.
- Ensured that contractors processing requests on behalf of the DHS Privacy Office have access to the training modules in the DHS Learning Management System.

As detailed below, Component FOIA Offices provided full-time and collateral FOIA staff training specific to each Component.

CBP:

- Conducted numerous trainings, including 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.
- Hosted two representatives from the CBP Privacy Office to provide training on identifying and safeguarding personally identifiable information.

Cybersecurity and Infrastructure Security Agency (CISA):

- Sent all full-time FOIA professionals to the ASAP National Training Conference.

Federal Emergency Management Agency (FEMA):

- Sent FOIA professionals to FOIA training sessions provided by OIP (FOIA for Attorneys and Access Professionals and FOIA Litigation Seminar), OGIS, ASAP, and the U.S. Graduate School.

Federal Law Enforcement Training Centers (FLETC):

- Sent FOIA professionals to the ASAP National Training Conference.
- Provided FOIA staff with Certified Information Privacy Professional training opportunities.

Intelligence and Analysis (I&A):

- Sent FOIA staff to multiple trainings, including the DOJ OIP FOIA training and the International Association of Privacy Professionals (IAPP) Conference.
- Presented FOIA information and training at various times during the year to incoming employees and to management personnel.
- Held a training event for Sunshine Week.

ICE:

- Conducted FOIA training to provide a basic understanding of FOIA procedural requirements and its exemptions during new employee orientations.
- Conducted annual refresher training for FOIA staff.
- Conducted training for program offices that support the FOIA office in searches for records.

Office of Inspector General (OIG):

- Sent FOIA professionals to the following DOJ OIP training sessions: FOIA Training for Professionals; FOIA Litigation Seminar; Annual Report Refresher Training; Building a Great FOIA Program with Dispute Resolution Skills; and FOIA Best Practices Workshop.
- Presented Annual FOIA Training for non-FOIA Professionals and FOIA Training for Attorneys.
- Attended the Department of Commerce, Office of Privacy and Open Government FOIA Training.

Transportation and Security Administration (TSA):

- FOIA professionals attended the following training sessions: Graduate School Freedom of Information and Privacy Act; ASAP National Training Conference; and various OIP sessions.
- Provided training to FOIA professionals in the field and at headquarters.

United States Coast Guard:

- 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
- Sent FOIA professionals to OIP's "Continuing FOIA Education" and the ASAP FOIA Training Workshop.

U.S. Citizenship and Immigration Services:

- Hosted two DOJ OIP attorneys who provided all USCIS FOIA processors with one day of basic FOIA refresher training, and provided USCIS FOIA managers, supervisors, and senior staff members with a second day of advanced FOIA training.
 - Topics covered during the basic refresher training:
 - Presumption of Openness and Achieving Transparency in FOIA
 - Reasonably Segregable Obligation
 - Exemptions 5, 6, and 7
 - FOIA-Privacy Act (PA) Interface
 - Topics covered during the advanced training:
 - OIP Guidance and Resources
 - FOIA Case Law Update
 - Effective Communication with Requesters
 - Exemption 5 and the Deliberative Process Prong

- Exemption 6
- Exemption 4
- Sent two members of the USCIS FOIA staff to the ASAP National Training Conference in Washington, DC.
- Provided 10 USCIS FOIA employees with Certified Information Privacy Professional/ Government (CIPP/G) training.

United States Secret Service (USSS):

- Provided six training classes for employees in the Inspection Division and two training classes for employees in the Management Division. The training included an overview of the FOIA statutes and guidelines; FOIA/PA (Privacy Act) interface and compliance regarding PII. The training also focused on internal/external administrative practices and procedures, types of records gathered by USSS in its protective and investigative missions, and the processing of agency records involving other agency equities.
 - Provided one training class on the USSS’s tracking and processing solution for FOIA staff.
5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

As reported above, through January 2019, 94 percent DHS FOIA professionals completed the DOJ OIP FOIA Training for FOIA Professionals. DHS also made numerous efforts to provide FOIA professionals with in-depth and tailored FOIA training opportunities.

6. 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 percent 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. The Chief FOIA Officer remains committed to offer training to staff regarding their responsibilities. The DHS Privacy Office has already made components aware that all FOIA professionals are required to complete the DOJ FOIA Training for FOIA Professionals module, and report the percentage of staff who have completed the training on a monthly basis. The DHS Privacy Office is working with colleagues at other agencies, including the Department of Treasury, OIP, and OGIS, to offer training opportunities that are open to all DHS FOIA professionals on a quarterly basis.

Outreach:

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

The DHS Chief FOIA Officer is committed to facilitating public understanding of the purpose of the FOIA, and as a member of the Chief FOIA Officer Council,¹¹ consulting with requesters on a regular basis in order to improve the Department's administration of the FOIA. The Chief FOIA Officer and the Deputy Chief FOIA Officer regularly participate in Chief FOIA Officer Council meetings with the requester community to develop recommendations for increasing FOIA compliance and efficiency, disseminating information about agency experiences and best practices, and working on initiatives that will increase transparency. The Chief FOIA Officer also spoke on a panel during a Chief FOIA Officer Council meeting to explain how DHS has overcome challenges in FOIA administration and capitalized on new opportunities, and responded to several questions from the audience.

In addition to his participation on the Chief FOIA Officer Council, the Chief FOIA Officer hosted a session titled, "Improving FOIA Responsiveness and Performance to Address Increasing Demand," at the ASAP National Training Conference, which included FOIA professionals and representatives of the requester community. During his address, the Chief FOIA Officer emphasized the importance of the FOIA and the Department's commitment to transparency and finding ways to streamline processes and improve the use of technology to meet the needs of the requesters. The DHS Privacy Office Director of FOIA Appeals and Litigation also participated in a panel discussion at this conference titled, "Working with Litigious Groups." The lively session, which included audience questions from FOIA professionals and representatives of the requester community, addressed best practices for requesters and agencies to consider to improve dialogue, timeliness of responding to requests, and meet the requester's needs.

DHS Components also took separate efforts to effectively communicate with the requester community and gather feedback to improve their administration of FOIA, as detailed below.

CBP:

- Participated in an Immigration Forum organized by USCIS and OGIS regarding "Using FOIA to Access Immigration Records," which was open to the public and broadcast on YouTube. During the panel, which included other government stakeholders, CBP's FOIA Officer gave an overview of the CBP processes and what records requesters can receive from CBP. Panelists also responded to questions from the public during the forum.¹²
- Added FOIA Public Liaison contact information to all FOIA response letters.

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.

¹² See: <https://www.youtube.com/watch?v=jxx4jWcEp5Q>.

CISA and ICE:

- Created open dialogues with FOIA requesters to assist with crafting targeted FOIA requests in an effort to reduce response time, and proactively reached out to FOIA requesters via telephone calls and e-mail conversations on new requests that required clarification.

OIG:

- Reached out to FOIA requesters consistently by calling or emailing them for clarification and updates of their FOIA requests. OIG works with requesters to help them understand the types of records OIG maintains and how requests can be narrowed to ensure accurate and efficient retrieval of records that will satisfy the request. This strategy is beneficial for the requesters and the agency: it assists the requester in receiving a timely and focused response, and helps to reduce the volume of records necessary for processing, which in turn helps to reduce OIG's backlog of requests. OIG FOIA also maintains a FOIA hotline requesters may call to discuss the FOIA and/or to learn about the status of their request and a FOIA email inbox that is used for the same purpose.

TSA:

- Reached out to requesters every time there is a question on what records are sought, when additional clarity on scope is needed, when the request is overly broad, and in other situations when direct communication with the requester would facilitate request fulfillment.

USCIS:

- Members of the Significant Interest Group engaged in outreach sessions via conference call with, among others:
 - Judicial Watch;
 - Immigrant investors under the Employment Based Fifth Preference (EB-5) the Immigrant Investment Program;
 - American Civil Liberties Union (ACLU);
 - News media representatives;
 - MuckRock; and
 - American Immigration Lawyers Association Attorneys
- Senior FOIA leadership attended the Federal Bar Association's Immigration Law Conference, in which they engaged with practitioners and participated in a Congressional Outreach Conference hosted by USCIS. During the call, senior FOIA leadership provided an overview of the FOIA program.
- Organized an Immigration Forum with OGIS.¹³ The forum allowed government stakeholders, including representatives of several DHS Components, the Department of

¹³ See: <https://www.youtube.com/watch?v=jxx4jWcEp5Q>.

State, and DOJ, to explain to requesters the types of records held by each agency and how to request access. The audience included several representatives of the requester community and was broadcast on YouTube.

Other Initiatives:

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In 2016, the Department publicized FOIA-related performance standards for employees that have any role in administering the FOIA, including non-FOIA professionals. Please also indicate whether your agency has considered including FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA.

The DHS Privacy Office and ICE use FOIA-related performance standards in Senior Executive performance plans for executives who have a role in overseeing the administration of the FOIA. In addition, the following Components include FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA: CBP, ICE, OBIM, the DHS Privacy Office, TSA, USCIS, and USSS.

DHS also recognizes Sunshine Week to emphasize the importance of the FOIA and government transparency each year. In March 2018, the DHS Privacy Office held its annual Sunshine Awards Celebration. The former DHS Deputy Secretary, Elaine Duke, and the Chief FOIA Officer recognized four FOIA professionals for their work and dedication to FOIA operations. The high-profile event included opening remarks from the Chief FOIA Officer and a keynote address from the former Deputy Secretary on the importance of the FOIA in providing transparency and openness into the Department's law enforcement mission.

Components also took the additional steps described below to expand awareness of FOIA throughout the Department.

CBP:

- Interacted regularly with CBP employees that have been assigned FOIA duties at their location. The focus of these interactions is the use of FOIAonline tracking system, conducting proper records searches, and their duties and responsibilities under the FOIA.

CISA:

- Conducted a variety of in-person training sessions to subcomponent offices on their obligations under the FOIA and conducting searches for responsive records. The training involved meeting with subcomponent FOIA points of contact and their management regarding the FOIA process.

FLETC:

- Worked closely with non-FOIA professionals when regarding Component operations and their obligations under the FOIA.

I&A:

- Presented information and training at various times during the year to incoming employees and to management personnel, and provided training and consulting on FOIA obligations upon request. I&A also briefed senior leadership weekly on the status of its FOIA requests.

ICE:

- Provided annual FOIA briefings to agency program offices about the employee's obligations under the FOIA.

OIG:

- Conducted FOIA training sessions for all OIG attorneys and all OIG program offices. These trainings focused on informing non-FOIA professionals of their obligations under the FOIA. OIG FOIA attorneys also provided additional and more specific training for the OIG employees in each program office who most frequently receive FOIA search requests. These trainings focused on the importance of conducting and documenting efficient and comprehensive FOIA searches.

S&T:

- Sends out occasional reminders regarding non-FOIA employees responsibilities related to FOIA.

TSA:

- Held conference calls with FOIA Points of Contact (POCs) nationwide to outline their roles and responsibilities and answer their questions regarding FOIA.
- Created a working group comprised of POCs at Headquarters and in the field to discuss scenarios and assess the procedures with these scenarios and revise as needed to enhance the FOIA processes.
- Held an Open House for all TSA employees to educate them about FOIA and their responsibilities.
- Created a "how to conduct a search" document that illustrates for non-FOIA professionals their FOIA-related responsibilities and the steps required for conducting a search.
- Revised the tasking sheet FOIA POCs use when tasking subject matter experts in their offices making it more efficient and easier to understand.

- Provided Records Management overview training to FOIA POCs regarding their roles and responsibilities for records management and retention.

USCG:

- Established an Integrated Project Team to study its Records Management and FOIA Programs. While the study is still ongoing, some early results have led to the reorganization of the FOIA page on the USCG portal, along with adding a Frequently Asked Questions document and checklist to aid non-FOIA professionals with the processing of requests.

USCIS:

- Senior leadership in the Significant Interest Group met with representatives of the major USCIS program offices to discuss their responsibilities under the FOIA, coordination with the USCIS FOIA program, and adequacy of search issues.
- Added four hours of FOIA training to the Immigration Services Officer Basic course, which is a requirement for all Immigration Service Officers.
- Notified all USCIS employees via email of the FOIA for Federal Employees course available on the Performance and Learning Management System.

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.

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

The DHS Chief FOIA Officer advances efficient and appropriate compliance with the FOIA by stressing the importance of openness. In March 2018, the 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 informed the Department of the new directive that clarified the DHS FOIA roles and responsibilities, and provided links to available FOIA training for all DHS personnel.¹⁴ The message was also posted on the Department’s internal agency website.

As part of DHS Leadership Year, the Chief FOIA Officer hosted a March 2018 forum for FOIA Officers titled “Reflections on Leadership and the FOIA.” The Chief FOIA Officer

¹⁴ See: <https://www.dhs.gov/sites/default/files/publications/Directive%20262-11%20Freedom%20of%20Information%20Act%20Compliance%20April%202017.pdf>.

and the Director of OIP shared their leadership styles and best practices to allow the FOIA Officers to continue to excel in their leadership roles at the Department.

Components reported the below actions to advance the presumption of openness.

CBP:

- Informed non-FOIA professionals of their FOIA obligations as needed. This occurs frequently when an office that is new to the process becomes involved in a FOIA request. CBP FOIA Office provides guidance as needed regarding searching for records, preserving records, and providing all responsive records—regardless of various markings.

FEMA:

- Briefed leadership on a biweekly basis. Additionally, FEMA conducted routine training for program office points of contact, and deployed a staff member to Puerto Rico for six weeks to assist with the Joint Field Office to develop and maintain a FOIA and records function, specifically in response to all Hurricane Irma and Maria FOIA requests. The deployment included training the leadership, establishment of processes, and hiring of staff.

I&A:

- Initiated a comprehensive internal audit of the FOIA and Litigation program and is in the process of drafting new policy and guidance documents.

ICE:

- Proactively posts records of significant public interest on the ICE FOIA Library webpage located at <https://www.ice.gov/foia/library>. Examples of records include Detainee Death Reports, detention facility compliance inspection reports, contracts, and Prison Rape Elimination Act reports.

OIG:

- Followed a standing policy of transparency and openness when processing and responding to FOIA requests. This policy is reinforced during interactions with non-FOIA OIG staff.

TSA:

- Trained all program office FOIA POCs during mandatory annual training to ensure the program offices are in compliance with responding to requests for documents.

- Conducted individual training sessions with program offices, including a conference call with airport POCs, to address program specific questions regarding FOIA requests.
- Arranged a meeting between the FOIA Officer and select staff members and FOIA POCs from several Headquarters program offices that regularly have a high volume of requests for records or had demonstrated a slower-than-acceptable response time. The meeting provided an opportunity to review best practices and discuss processing issues.
- Posted records of closed cases on a weekly basis to the TSA FOIA Reading Room to increase openness and transparency of TSA internal decision making processes.
- Worked closely with Strategic Communication and Public Affairs and other program offices to proactively disclose and post information that could be of interest to the media.

USCG:

- Reviewed responses that propose documents be withheld for legal sufficiency. This practice ensures the proper application on the proposed exemptions and ensures reasonable segregated portions of the documents are released to the requesters.

USCIS:

- Created two new positions within the FOIA Significant Interest Group. The primary duties of these two positions (Senior Government Information Specialists) are to contact requesters upon receipt of a FOIA request, clarify the records being sought, negotiate the scope of the request, and identify search terms to be used. In addition, the FOIA professionals direct requesters to information publicly available on various agency websites. These liaison positions improve customer service and ultimately reduce litigation challenges associated with the adequacy of the searches. In the last three months of FY 2018, these liaisons successfully negotiated down the scope of 18 FOIA requests, saving countless government work hours and helping the requesters better target the information they were seeking.

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 2018, 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 2018 Annual FOIA Report.

As Table 1 below indicates, DHS, as a whole, adjudicated requests for expedited processing in an average of 24.59 days.

Table 1. Requests for Expedited Processing in FY18 as Reported in FY18 Annual 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	113	1,890	26	38.72	451
CISA	14	24	1	2.76	34
FEMA	17	94	1	10.85	99
FLETC	0	7	4	4.43	7
I&A	4	1	1	1	5
ICE	250	131	1	5.39	327
OIG	5	28	7	19.76	18
PRIV	83	57	2	3.84	134
S&T	1	0	6	6	1
TSA	33	133	1	1.5	135
USCG	0	2	15.5	15.5	1
USCIS	68	1,055	1	8	1,011
USSS	0	93	1	1.22	92
AGENCY OVERALL	588	3,515	11	24.59	2,308

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. In particular, the DHS Privacy Office will discuss the importance of identifying and adjudicating requests for expedited processing in a timely fashion during face-to-face meetings with the Deputy Chief FOIA Officer and the Component FOIA Officers.

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 Chief FOIA Officer regularly monitors FOIA implementation. As a part of this effort, the DHS Privacy Office prepares and disseminates weekly Chief FOIA Officer Reports highlighting high-profile incoming requests, releases, and litigation, and monthly reports documenting processing statistics, including requests received, processed, backlog, and age of open requests.

To identify and address the systemic causes of the DHS FOIA backlog, the Privacy Office directed all Components to complete all of the modules included in OIP’s FOIA Self-Assessment. The DHS Privacy Office is reviewing the responses and developing a comprehensive backlog reduction plan that identifies best practices and areas of

improvement with an eye towards streamlining processes; identifying resource needs, training and policy gaps; and identifying new technologies.

Components also identified the below actions to review and strengthen their implementation of FOIA.

CBP:

- Analyzed the influx of FOIA requests and litigation to identify root causes. CBP identified select recent Executive Orders issued as a key driver in the increase in activity. The assessments were used to support the need to hire additional staff to assist with the increasing and demanding workload.
- Reviewed and discussed the DHS Monthly FOIA Report to evaluate the data to determine the need to revise processes to help further reduce the backlog.

I&A:

- Performed reviews of several parts of the FOIA process on a quarterly basis, including how searches are conducted and documented, the triage process, and the approach to the backlog. Processes were updated accordingly.

OIG:

- Conducted a self-assessment of the FOIA program by examining the number of litigations, number of pending FOIA requests, and number of incoming FOIA requests.

USCIS:

- Conducted regular reviews of the FOIA program to identify smarter, more efficient ways to conduct business. USCIS reported performance metrics daily, weekly and monthly to track the progress made in such areas as backlog reduction, average processing times, average number of cases closed per processor, average days to print and mail out final responses, and total number of FOIA requests pending for more than 365 days. USCIS also assessed performance against set metrics and directed senior FOIA managers to investigate causes for any downward trends or missed goals. These findings were reported to the USCIS FOIA Officer with actions recommended to improve efficiencies and address identified areas for process improvements.
- Invited OGIS to conduct an assessment of the USCIS FOIA Program. The OGIS assessment, which was published on February 9, 2018, determined that USCIS had “strong management practices” which “contribute to an efficient FOIA process.”¹⁵

¹⁵ 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>.

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 requesters sought assistance from the FOIA Public Liaison approximately 8,400 times.

Several Components, particularly those that process a relatively low volume of requests, estimated that requesters sought assistance from the FOIA Public Liaison only a few times. S&T reported that no requesters sought assistance, as compared to the following Components that reported the following numbers: FEMA: five; DHS Privacy Office seven; OIG: 10; I&A: 15; and FLETC and USSS: 75.

Other Components reported that requesters regularly contact the office to ask for information regarding the status of requests, and some Components indicated they are not able to differentiate between general requests for information and requests for assistance from the FOIA Public Liaison. TSA and ICE estimated requesters sought assistance 200 times; USCG estimated that about 25 percent of the requesters contact the office regarding status information; USCIS estimated requesters sought assistance 1,433 times; CISA estimated requesters called for status information 3,000 times, all of which were directed to the OBIM; and CBP estimated requesters contacted the FOIA office 3,658 times.

5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.

As described above, the Chief FOIA Officer and Deputy Chief FOIA Officer regularly participate in Chief FOIA Officer Council efforts to identify and promote best practices and innovative solutions to address challenges to the efficient administration of the FOIA. DHS created a DHS FOIA Council¹⁶ to advise the Chief FOIA Officer on policy and management matters concerning the departmental FOIA Line of Business function. The Council is also a forum for sharing FOIA best practices and coordinating cross-component challenges and developing solutions.

Components reported the below additional actions to ensure the efficient and effective implementation of FOIA.

CBP:

- Used an Analytical Framework for Intelligence (AFI)¹⁷ system to perform searches for multiple requests in batches, eliminating the need for staff to search each request individually. Using this tool saved staff time that could be put towards processing other requests.

¹⁶ For information regarding the DHS FOIA Council Charter, dated November 7, 2018, see <https://www.dhs.gov/publication/foia-council-charter>.

¹⁷ 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>.

CISA:

- Uses open communication with both the requester community and internally among CISA subcomponent offices to explain and discuss FOIA requirements and processes. CISA proactively engages with the requester community to help them properly scope FOIA requests in an effort to decrease response time and efficiently use resources.
- Established internal points of contact among subcomponent offices and provided training on the obligations of agency employees under the FOIA. This has enhanced openness and transparency throughout the agency.
- Formed partnerships with other DHS Components which has allowed for the open exchange of ideas and business practices to improve FOIA processing across the Department. Of particular importance is the coordination between CISA and the DHS Privacy Office in the processing of OBIM requests. These partnerships have also assisted with the coordination and handling of complex requests to ensure consistency in processing.

FEMA:

- Provided basic weekly metrics report to assist leadership in better understanding the status of the FOIA program. This report includes the number of received, closed, open, and backlogged appeals and requests.
- Worked with the program offices' FOIA POCs and created a simplified electronic process for search taskers. This allows program offices to provide more detailed explanations regarding their searches, which ensures that proper searches were conducted and documented.
- Developed a Standard Operating Procedure and training slides to assist new employees and internal stakeholders.

I&A:

- Used management reports generated by the enterprise-wide FOIA processing and tracking solution to continuously review and update processes. I&A's efforts to ensure efficiency and effectiveness include:
 - Facilitating regular meetings between FOIA professionals (particularly Privacy office coordinators and within other program offices) to foster collaborative work relationships, improve search processes, effectively troubleshoot problems and provide more timely and substantive responses to FOIA requests.
 - Enriching the longstanding partnership between the Information Law Division and Privacy office in an effort to enhance FOIA training, improve FOIA handling practices, and better understand all procedural and regulatory requirements.
 - Increasing collaboration between different program offices within the Department when searching for responsive records and reviewing requests.

ICE:

- Used proactive communications with the requester community and internally among ICE program offices to explain and discuss FOIA requirements and processes.
- Used e-Discovery technological solutions to assist with searching complex and voluminous document sets for responsive records and to eliminate duplicate and non-responsive material. Tools such as de-duplication, email threading, and key term searching were deployed as part of this process.

OIG:

- Held internal staff meetings with an agenda that focused on consistency in FOIA responses and in applying FOIA exemptions.
- Provided training for non-FOIA professionals focused on improving search processes.

TSA:

- Developed a Case Management Team/Intake process that streamlined the FOIA process internally.

USCG:

- Implemented DHS-approved template letters.

USCIS:

- Designed a new FOIA processing system to improve customer satisfaction and efficiency. This system will automate portions of the current FOIA workflow increasing timeliness in the processing of cases end-to-end, and use a public facing electronic request portal and private electronic reading room for more timely responsive records delivery.

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, under the direction of the Chief FOIA Officer, brings attention to the importance of proactive disclosures by requiring Components to report new proactive disclosures on a monthly basis. The Deputy Chief FOIA Officer also highlights interesting proactive disclosures in his summary of the monthly reports.

In addition to encouraging Components to make proactive disclosures, the DHS Privacy Office regularly posts information that provides insight into the Department's FOIA policies and practices, and high interest records processed by the DHS Privacy Office. Examples of material posted by the DHS Privacy Office include:

- [Countering Violent Extremism Program](#)
- [Countering Violent Extremism Grant Records](#)
- [Countering Violent Extremism Grant Applications \(Awarded\)](#)
- [DHS Secretary Calendars](#)
- [Executive Order 13767](#)
- [Executive Order 13678](#)
- [Executive Order 13769](#)
- [Executive Order 13771](#)
- [Executive Order 13777](#)
- [Executive Order 13799](#)
- [Executive Order 13780](#)
- [National Vetting Center Implementation Plan](#)
- [National Vetting Center Privacy Impact Assessment](#)
- [National Vetting Center Working Group Charter](#)
- [National Vetting Governance Board Charter](#)
- [FOIA Compliance Instruction 262-11-002](#)
- [FOIA Delegation Letter to Chief Privacy Officer](#)
- [FOIA Council Charter](#)

Many components operate independent FOIA Reading Rooms. Examples of materials posted by components are included below.

CBP:

- Records pertaining to Executive Orders 13767 and 13769, monthly reports, and FOIA logs (<https://foiarr.cbp.gov/>).
- Office of Border Patrol and Office of Field Operations statistics and vacancy announcements to the CBP public website (<https://www.cbp.gov/>).

CISA:

- FOIA logs and a variety of Federal Protective Service policies (<https://www.dhs.gov/nppd-foia-library>)

FEMA:

- FOIA logs (<https://www.dhs.gov/fema-foia-logs>)
- A listing of FEMA's underground storage tanks, multiple procurement records, and Community Assistance Visits (CAV) Risk Rankings (<https://www.dhs.gov/publication/fema-records>)
- WhiteFish Energy documents (<https://www.dhs.gov/publication/whitefish-energy-records>)

FLETC:

- FOIA logs (https://www.fletc.gov/sites/default/files/FY%202017%20FOIA%20DISCLOSURE%20LOG_Redacted.pdf)

I&A:

- FOIA logs and frequently requested records, including fusion center assessment reports and Office of Intelligence and Analysis Intelligence Oversight Program and Guidelines (<https://www.dhs.gov/intelligence-and-analysis-freedom-information-actprivacy-act-office>)

ICE:

- Prison Rape Elimination Act reports, detainee death reports, detention facility compliance inspection reports, and FOIA logs (<https://www.ice.gov/foia/library>)

OIG:

- Frequently requested records and FOIA logs (<https://www.oig.dhs.gov/foia/reading-room>)

TSA:

- Information related to: airports; checkpoints; claims data; complaints; contracts; human resources; reports/FOIA logs/policy documents; Rail; Law Enforcement/Federal Air Marshal Service; and Congressional correspondence (<https://www.tsa.gov/foia/readingroom>)

USCG:

- Information related to maritime casualties and Mishap Reports (<https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/FOIA-Library/>)

- National Response Center’s oil spill, chemical release or maritime security incident site (<http://nrc.uscg.mil/>)

USCIS:

- Information regarding topics such as statistics and data, EB-5 Regional Centers, A-files of Interest, USCIS Contracts, FOIA Annual Reports, FOIA Logs, Employment-Based Petitions, Congressional Correspondence, and Policies and Manuals (<https://www.uscis.gov/about-us/electronic-reading-room>)

USSS:

- FOIA logs (<https://www.secretservice.gov/press/foia/library/>)

2. Please describe how your agency identifies records that have been requested and released three or more times (and are therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a)(2)(D)).

Methods for identifying frequently requested records in use at components are described below.

CBP:

- Designated a working group to identify and track significant requests. When a significant topic arises, the working group automatically posts responses for that topic.

CISA:

- Monitored incoming FOIA requests and informed the FOIA Officer of trends in the request content. Additionally, the FOIA Officer identifies common records produced by subcomponent office searches that could be used to respond to multiple requests seeking the same and/or similar information.

FEMA:

- Reviewed triage team and DHS Weekly Chief FOIA Officer Report submissions to identify requests for records sought three or more times.

FLETC:

- Identified records requested three or more times based on the FOIA Officer’s knowledge of the relatively small number of requests received annually.

I&A:

- Used the Department's tracking and processing solution to identify records requested three or more times.

ICE:

- Monitored incoming FOIA requests and communicated trends on request content with the Deputy FOIA Officer and the Supervisory Intake staff member.
- Identified common records produced as part of a request which could be used to respond to multiple requests seeking the same and/or similar information.

OIG:

- Ensured all incoming FOIA requests and outgoing FOIA responses were reviewed by the FOIA Officer and FOIA attorneys. These individuals identified any records that had been requested and released three or more times for proactive disclosure.

DHS Privacy Office:

- Identified common requests/trends during the intake and triage process and informed the Government Information Specialist to ensure active disclosure.
- Posted records requested three or more times.

TSA:

- Queried the enterprise-wide FOIA processing and tracking solution for incoming requests to search for duplicates of the same subject matter and post those cases where records have been requested multiple times. TSA also worked with \ Strategic Communication and Public Affairs office to post information to the TSA Reading Room when the FOIA Branch receives multiple requests for a topic receiving significant media attention.

USCG:

- Requested units provide documents or links to documents when a record is requested three or more times. Those documents and/or links are posted in the USCG FOIA Library.

USCIS:

- Tasked the Significant Interest Group with searching the FOIA Processing System to determine if the same or a similar topic was previously requested. Records that were deemed to be of significant interest to the public were also proactively disclosed.

USSS:

- Used the request description function of the FOIA tracking and processing solution to search for similar or related topics.
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.

Component efforts to make records more useful to the public are described below.

CBP:

- Ensured documents with statistical information and documents that may be of significant public interest were proactively posted. CBP posted records to its FOIA reading room in addition to making records publically searchable in FOIAonline.

ICE:

- Regularly updated publicly available statistical information.

OIG:

- Monitored the website to ensure materials are accessible and up to date. OIG posts frequently requested records and updates the same as required. OIG also uses social media as a means of transparency, advising its Twitter followers of newly-released reports, ways to report allegations, and of whistleblower protection resources. OIG uses Twitter 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 email notifications each time a new report is posted on the website.

DHS Privacy Office:

- Published Congressional Correspondence logs, FOIA Logs, Calendars for the Secretary, and Chief FOIA Officer Weekly Reports, as well as high-profile records related to Executive Orders, Countering Violent Extremism, and the National Vetting Center.

USCG:

- Directed the Integrated Product Team to investigate ways to improve both internal and external communications.

USCIS:

- Updated the FOIA Reading Room from an accordion format to a list format that allows users to perform keyword searches and improved the user's ability to locate records of interest.
5. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

As described above, the DHS Chief FOIA Officer encourages Components to continually update FOIA reading rooms and proactively disclose information through monthly reporting, and highlighting notable proactive disclosures in communication with Component FOIA Service Centers.

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. Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used. If not, please explain why and please describe the typical search process used instead.

The Chief FOIA Officer places a premium on the value of technology to make the FOIA process more efficient and address some of the systemic issues that create backlogs (e.g., interoperability, search capability, retention schedules). For several years, the DHS Privacy Office has supported and assisted Components in using a commercial off-the-shelf FOIA tracking and processing solution that enables a completely electronic workflow.

To address some of the department's ongoing interoperability challenges, former Deputy Secretary Elaine Duke directed the Chief FOIA Officer to establish and lead an enterprise-wide FOIA Technology System Requirements Working Group. The Working Group was chaired by the Deputy Chief FOIA Officer and began to prioritize areas for budget and resource planning to address outdated FOIA IT systems in the Components. In July 2018, the Working Group submitted a Capabilities Analysis Report to the Deputy Secretary's Management Action Group Joint Requirements Council that recommended scalable requirements for an enterprise-wide FOIA processing and case management system.

Component efforts to leverage technology to facilitate efficiency in conducting searches are described below.

CBP:

- 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.

CISA:

- In partnership with ICE leveraged e-Discovery software to cull, de-duplicate, thread emails, and narrow large record sets to only responsive material – saving the government a significant amount of time and resources when responding to several FOIA requests and litigations.
- OBIM FOIA used an automated process whereby the Component’s IT department conducts searches for responsive records, and standard redactions with appropriate exemption codes are automatically applied to likely non-releasable fields. These redactions are reviewed by FOIA processors before the response is sent to the requester.

FEMA:

- Used the Advanced Document Review feature of the Department’s enterprise-wide tracking and processing solution, which assists with key word searches of large record sets and de-duplication.

FLETC:

- Used SharePoint to collaborate with the FLETC Office of Chief Counsel, and with offices that provided responsive records.

I&A:

- Incorporated the use of SharePoint and Dropbox to improve collaboration and streamline processes.

ICE:

- Used the Department’s enterprise-wide solution to track, manage, and process all incoming FOIA requests in a completely electronic workflow.
- Used eDiscovery software to narrow large record sets to only responsive material, creating efficiencies and generating cost savings to the government.

OIG:

- Used an eDiscovery platform to process large FOIA requests and for FOIA litigations. This platform provides the ability to sort, de-duplicate, and process records.

DHS Privacy Office:

- Collaborated with the Office of the Chief Information Officer to conduct searches of email records. PRIV also used the Advanced Document Review feature of the Department's enterprise-wide tracking and processing solution, which assists with key word searches of large record sets and deduplication.

USCG:

- Explored the use of email services to improve searches for emails. USCG also worked to implement a records retention schedule that ensures senior leadership emails are retained.

USCIS:

- Purchased and installed an e-discovery tool that de-duplicates documents and allows processors to cull down a tranche of records to only those that are specifically responsive to a request. Early results are extremely promising. In one case the universe of potentially responsive records was reduced from 15,000 down to 800, saving countless processing hours. When specific search terms and de-duplication tools were applied to several large OIT email data-pulls for potentially responsive records, the software reduced 81,987 pages of emails to only 4,016 pages of emails that are responsive records. This reduced the manual review of emails for responsive records by 95 percent, saving the government hundreds of hours in labor.

USSS:

- Used document accelerator a program that allows for the review and de-duplication of email searches provided by the Chief Information Officer.
2. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2018?

Yes.

4. 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 2019.

N/A

5. 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 2017 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report.

<https://www.dhs.gov/foia-annual-reports>

6. Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

As described above, the Chief FOIA Officer has a forward-leaning posture regarding the capabilities of technology to improve the FOIA process, and has directed the DHS Privacy Office to work with components to address outdated and duplicative FOIA IT Systems throughout DHS.

Component best practices and challenges are described below.

CBP:

- Contracts with another government agency to use an e-discovery system to process a significant number of emails in response to litigations over the Executive Orders on Travel. The contract to use the system currently is restricted to the Executive Order litigation only; there are internal discussions concerning expanding the contract to use this system for other high volume requests. The primary challenge is that the process for redacting and reviewing documents using the e-discovery system is very different from CBP's regular process, and requires a learning curve before users are comfortable.

CISA:

- Partners with ICE to use an e-discovery system to cull, de-duplicate records, thread emails, and narrow large record sets based on key terms saving the government a significant amount of time and resources when responding to several FOIA requests and litigations. In one instance while using the e-discovery system CISA discovered 47,439 individual files located in 30 PST files, and through the use of the software's analytic tools reduced the responsive record set to 42 pages of records. This process took approximately one day whereas it would have taken a team of employees a number of months to complete the same task without the same level of accuracy.

FEMA:

- Attends trainings on the use of the enterprise-wide processing and tracking solution provided by either the DHS Privacy Office or the vendor.

I&A:

- Employs SharePoint in the FOIA process. In particular, the platform provides staff the ability to see the status in real time and in one central location rather than distributing them amongst staff.

ICE:

- Used e-discovery software to cull, de-duplicate records, thread emails, and narrow large record sets based on key terms derived from the FOIA request.
- Shared its e-discovery processes and subject matter knowledge with other DHS Components who do not have access to the same tools to assist the Components with requests that produced a significant amount of records.

OIG:

- Continues to explore options regarding technology to improve the FOIA process. OIG has an attorney within the Information Law and Disclosure Division who specializes in e-discovery, document review, and processing. The attorney is continuously available to FOIA staff and provides periodic trainings on best practices and emerging technologies.

TSA:

- Was not able to use technology that enables de-duplication due to its firewalls. Use of this technology would significantly reduce case processing time since these review must now be done manually.

USCG:

- Placed online templates, frequently asked questions, and a routine checklist on its internal portal site for use by non-FOIA professionals to simplify processing. USCG is also in the process of adding links to training resources to the page.

USCIS:

- Designed a new FOIA processing system to improve customer satisfaction and efficiency. This system will automate portions of the current FOIA workflow increasing timeliness in the processing of cases end-to-end, and use a public facing electronic request portal and private electronic reading room for more timely responsive records delivery.

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, and some components have modified or expanded the use of tracks beyond simple, complex and expedited to handle differences in the type and sensitivity of requests. In FY 2018, the Department received 395,378 FOIA requests, as compared to 366,036 in FY 2017. DHS closed 374,945 requests in FY 2018 as compared to 367,546 in FY 2017. The Department closed 173,680 simple perfected requests in FY 2017, a six percent decrease compared with the 183,873 closed in FY 2017. DHS closed 179,390 complex perfected requests in FY 2018, a 16 percent increase compared with the 154,346 closed in FY 2017.

2. If so, for your agency overall, for Fiscal Year 2018, was the average number of days to process simple requests twenty working days or fewer?

Table 2. Response Time for All Processed Perfected Requests in FY18 as Reported in FY18 Annual Report

Component	Simple			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	33	43.35	1	749
CISA	16	14.86	1	20
FEMA	5	7.17	1	20
FLETC	15	30.82	1	216
I&A	1	3.57	1	84
ICE	2	6.5	1	62
OIG	54	109.75	1	947
PRIV	1	7.82	1	305
S&T	7.5	12.00	1	67
TSA	9	35	1	393
USCG	20	71.72	1	965
USCIS	35	34.92	1	447
USSS	13	12.02	1	20
AGENCY OVERALL	16	27.37	1	965

No; as Table 2 indicates, in FY 18 DHS processed simple requests in an average of 27.37 days. Seven of the thirteen components processed simple cases in less than 20 days, with two components processing simple requests in less than 10 days. The average processing time for simple requests in FY 18 at the remaining six components ranged from 23.25 days to a high of 122 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2018 that were placed in your simple track.

Simple cases comprised 46 percent of the requests closed by DHS in FY 2018.

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 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

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

Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
CBP	1,008	6,660
CISA	267	167
FEMA	310	212
FLETC	9	9
I&A	9	9
ICE	391	1,332
OIG	107	167
PRIV	436	511
S&T	0	30
TSA	623	757
USCG	1,963	1,586
USCIS	37,887	41,329
USSS	1,107	1,202
AGENCY OVERALL	44,117	53,971

No; as shown in Table 3, DHS ended FY 2018 with a backlog of 53,971 requests— an increase of 22 percent compared to the backlog of 44,117 requests in FY 2017. Seventy-seven percent of the Department’s backlog resides with USCIS. Notably, 40 percent of the Department’s open requests are less than 30 days old, and 90 percent of the Department’s open requests are less than 120 days old.

6. If not, did your agency process more requests during Fiscal Year 2018 than it did during Fiscal Year 2017?

In FY 2018, DHS surpassed the record-setting number of requests processed in FY 2017, processing 374,946 requests – a two percent increase.

7. If your agency’s request backlog increased during Fiscal Year 2018, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:
 - An increase in the number of incoming requests.
 - A loss of staff.
 - An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
 - Any other reasons – please briefly describe or provide examples when possible.

The Chief FOIA Officer is committed to addressing the systemic issues that contribute to the FOIA backlog. Key to addressing these issues is a comprehensive strategy to address long-standing challenges, including technology limitations (e.g., interoperability, search capability, retention schedules) and staffing and budget constraints. At the Chief FOIA Officer’s direction, the DHS Privacy Office is actively addressing some of the Department’s technology issues, and is preparing a backlog strategy that identifies best practices and areas of improvement with an eye towards streamlining processes; identifying resource needs, training and policy gaps; and identifying new technologies.

Component descriptions of causes for the increase in backlog are below.

CBP:

- Received an increase in the complexity of FOIA requests, including requests pertaining to the Executive Orders and Border Wall requests.
- Experienced technical issues with its tracking system, FOIAonline, which necessitated an upgrade. The upgrade led to further significant technological challenges including intermittent usage, requests not migrating, users unable to locate and properly close requests, which delayed the total processing of requests.

I&A:

- Received more complex requests compared to FY 2017, which required I&A to consult with other offices multiple times to allow them to review and make releasability determinations for their equities.

ICE:

- Experienced staffing vacancies and an increase in the complexity of requests received due to the increased interest in immigration matters.

S&T:

- Experienced staffing vacancies.

TSA:

- Experienced staffing vacancies and contract administrative support, which aggravated the pre-existing need for additional staff to reduce the backlog while continuing to manage incoming requests.
- Saw an increase in the number and complexity of requests.

USCIS:

- Saw an increase in the number of FOIA requests received.
- Experienced staffing vacancies, which had a significant impact on the FOIA backlog.
- Increased the number of pages processed due to an increase in the size of A-files: A-file size has grown, on average, 17 percent over last fiscal year.
- Saw a nearly 30 percent increase in the number of redactions required over previous years.

USSS:

- Saw an increase in the number of FOIA requests and experienced staffing vacancies. Specifically, USSS lost its Supervisory FOIA Officer.

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2018. If your agency has no request backlog, please answer with “N/A.”

In FY 2018 DHS processed 86 percent of the 395,751 requests received; only 14 percent of requests received by the Department account for the Department’s backlog.

Backlogged Appeals

9. If your agency had a backlog of appeals at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

Table 4. 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	18	18
FEMA	8	5
FLETC	0	1
ICE	45	1
OGC	79	109
OIG	0	0
TSA	5	5
USCG	16	14
USCIS	0	75
USSS	1	9
AGENCY OVERALL	172	237

No; as shown in Table 4, the backlog of administrative appeals increased from 172 in FY 2017 to 237 in FY 2018 – an increase of 38 percent.

10. If not, did your agency process more appeals during Fiscal Year 2018 than it did during Fiscal Year 2017?

No; in FY 2018, DHS processed 5,327 appeals, a decrease of 19 requests compared to FY 2018 – a less than one half of one percent decrease.

11. If your agency’s appeal backlog increased during Fiscal Year 2018, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

Ninety-nine percent of the increase in the administrative appeals backlog is due to an increase at USCIS. At the close of FY 2018, USCIS had a backlog of 77 administrative appeals – a significant increase compared to a backlog of zero in FY 2017. USCIS processed and closed 1,819 appeals in FY 2018, and 1,742 appeals in FY 2017. USCIS’s appeal backlog increased during FY 2018 due to a loss of staff and the inability to find a replacement before the end of FY 2018. In addition to the loss of staff, an increase in litigation cases affected the Office of Chief Counsel’s ability to provide timely approval of appeals.

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2018. If your agency did not receive any appeals in Fiscal Year 2018 and/or has no appeal backlog, please answer with "N/A."

The FY 2018 backlog of administrative appeals accounts for four percent of the administrative appeals received by DHS.

Backlog Reduction Plans:

13. In the 2018 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2017 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2018?

The DHS backlog did increase in FY 2018 compared to FY 2017. The DHS Privacy Office, at the direction of the Chief FOIA Officer, took several aggressive actions to reduce the backlog from its high point during the reporting period. The DHS Privacy Office staff partnered with OBIM to reduce the backlog by almost 6,000 requests. The DHS Privacy Office staff also assisted in FOIA surge efforts at CBP and ICE that allowed the teams to reduce CBP's backlog by 3,600 requests and ICE's backlog by over 2,400 requests.

Component backlog reduction plan implementation efforts are described below.

CBP:

- Authorized staff overtime and comp time.
- Announced a Temporary Work Detail to include light duty CBP employees for assistance.
- Filled two open Government Information Specialist positions.
- Hired FOIA Assistants.
- Secured a contract of 30 people to assist with the growing FOIA litigation.
- Requested additional staff and resources.

FEMA:

- Audited open requests.
- Established a more productive working relationship with program offices, which resulted in a more efficient communication process and quicker responses to search taskers.
- Continued to make training a priority.

USCG:

- Procured additional contractors to assist with reaching out to commands and requesters to close requests that exceeded 200 days. Based on their efforts, USCG was able to reduce its backlog by approximately 20 percent.

USCIS:

- Awarded a backlog reduction contract. The contract has failed to achieve full staffing levels, resulting in production short falls.
- Processed an additional 12,190 FOIA cases through authorized overtime with a page count of 2,617,839.

USSS:

- Implemented a backlog reduction plan starting in October 2018 aimed at reducing the backlog in FY 2019.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2018, what is your agency's plan to reduce this backlog during Fiscal Year 2019?

As described above, the Chief FOIA Officer is committed to reducing and controlling the agency's systemic backlog of FOIA requests by addressing the long-standing factors that have contributed to the backlog, including technology limitations (e.g., interoperability, search capability, retention schedules) and staffing and budget constraints. In the past few years DHS has had success in pursuing plans that reduce the backlog in the short term, including hiring contractors and providing surge support. While DHS will continue to use these short-term strategies as appropriate, the Chief FOIA Officer has charged the DHS Privacy Office with actively addressing some of the Department's technology issues, and preparing a backlog strategy that identifies best practices and areas of improvement with an eye towards streamlining processes; identifying resource needs, training and policy gaps; and identifying new technologies.

Component plans to reduce the backlog are described below.

CBP:

- Has identified a workflow to streamline the way simple traveler requests are processed.
- Has identified a new process with CBP FOIA Point of Contacts that ensures CBP FOIA Office receives records in a timelier manner from its program offices.
- Upon fulfilling all court ordered productions, CBP plans to use the contract staff to supplement the efforts of senior staff on the processing of Non-Traveler requests

I&A:

- Plans to conduct a comprehensive audit of the open, backlogged cases, to determine and identify the steps required for completion, and assign projected completion dates to each request.

ICE:

- Is working to onboard employees selected to fill vacancies throughout the office.
- Plans to use its contract support to assist with the backlog reduction efforts.

USCG:

- Will continue to use contract support to assist with the backlog reduction efforts.

USCIS:

- Awarded an additional backlog reduction contract. USCIS will have two backlog contracts running concurrently during FY 2019.
- Plans to fill existing personnel vacancies.
- Will authorize overtime for FOIA staff.
- Is developing a new system called FIRST 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. USCIS anticipated rollout of FIRST in the first half of 2019.

USSS:

- Is undertaking a case-by-case review of all backlog FOIA requests using its tracking and processing solution.
- Hired two new employees to assist with the processing of FOIA requests and plans to continue filling vacant positions and advocating for new positions.
- Will offer overtime to address the backlog.

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:

15. In Fiscal Year 2018, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

Table 5. Ten Oldest Pending Requests as Reported in the 2017 Annual FOIA Report

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2 nd	Oldest Request
CBP	Date of Receipt	2014-10-16	2014-10-15	2014-09-23	2014-09-12	2014-09-10	2014-09-04	2014-09-04	2014-08-27	2014-08-14	2014-04-02
	Number of Days Pending	743	744	759	766	768	772	772	777	786	880
CISA	Date of Receipt	2015-09-18	2015-08-31	2015-08-28	2015-08-06	2015-08-04	2015-07-14	2015-07-10	2015-07-08	2015-04-20	2015-03-16
	Number of Days Pending	511	524	525	541	543	558	560	562	617	642
FEMA	Date of Receipt	2014-03-24	2014-02-21	2013-12-10	2013-11-04	2013-11-01	2013-10-31	2013-10-28	2013-10-17	2013-08-02	2013-07-02
	Number of Days Pending	887	908	957	981	982	983	986	993	1,045	1,067
FLETC	Date of Receipt	2017-09-03	2017-08-31	2017-08-28	2017-08-15	2017-08-09	2017-06-28	2017-06-23	2017-06-21	2017-06-20	2017-05-08
	Number of Days Pending	19	21	24	33	37	66	69	71	72	102
I&A	Date of Receipt	2017-09-05	2017-09-05	2017-08-28	2017-08-22	2017-08-15	2017-07-21	2017-07-14	2017-06-26	2017-03-30	2016-04-27
	Number of Days Pending	19	19	24	28	33	50	55	68	129	360
ICE	Date of Receipt	2016-11-23	2016-11-21	2016-11-15	2016-11-10	2016-11-07	2016-10-27	2016-10-13	2016-10-12	2016-09-12	2016-09-07
	Number of Days Pending	215	217	221	223	226	233	243	244	265	268
OIG	Date of Receipt	2015-03-04	2015-02-12	2015-01-30	2015-01-15	2014-12-17	2014-12-03	2014-10-01	2014-08-01	2014-06-24	2014-05-23
	Number of Days Pending	650	663	672	682	701	711	753	795	822	843
PRIV	Date of Receipt	2016-03-31	2016-01-27	2016-01-21	2016-01-07	2015-12-14	2015-12-09	2015-11-23	2015-10-08	2015-09-29	2014-11-04
	Number of Days Pending	379	424	428	437	453	456	467	497	504	730
S&T	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	2017-09-26	2017-09-13	2017-09-13	2017-05-23
	Number of Days Pending	0	0	0	0	0	0	4	13	13	91
TSA	Date of Receipt	2012-12-04	2012-11-26	2012-11-05	2012-10-02	2012-07-23	2012-06-21	2012-06-05	2012-05-22	2012-05-07	2012-01-10

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2 nd	Oldest Request
	Number of Days Pending	1,211	1,217	1,230	1,253	1,303	1,324	1,336	1,345	1,356	1,438
USCG	Date of Receipt	2011-08-04	2011-06-15	2011-06-15	2011-06-06	2011-05-05	2011-04-12	2011-04-08	2011-03-25	2011-02-07	2011-01-06
	Number of Days Pending	1545	1580	1580	1587	1608	1625	1627	1637	1670	1691
USCIS	Date of Receipt	2016-09-28	2016-09-27	2016-09-26	2016-09-26	2016-09-14	2016-09-08	2016-08-25	2016-08-17	2016-06-20	2016-04-20
	Number of Days Pending	253	254	255	255	263	267	276	282	323	365
USSS	Date of Receipt	2012-06-27	2012-06-25	2012-06-11	2012-05-15	2012-05-15	2012-05-14	2012-04-26	2012-04-17	2012-04-17	2011-12-02
	Number of Days Pending	1,320	1,322	1,332	1,350	1,350	1,351	1,363	1,370	1,370	1,463
AGENCY OVERALL	Date of Receipt	2011-08-04	2011-06-15	2011-06-15	2011-06-06	2011-05-05	2011-04-12	2011-04-08	2011-03-25	2011-02-07	2011-01-06
	Number of Days Pending	1,545	1,580	1,580	1,587	1,608	1,625	1,627	1,637	1,670	1,691

No.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2016 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

As indicated in Table 5, DHS closed nine of the 10 oldest requests that were reported in the FY 2017 Annual Report; USCG closed the remaining open request in October 2018. Nine of the 13 Components closed all 10 of the oldest requests that were reported in the FY 2017 Annual Report. Overall, DHS Components closed 90 percent of the 10 oldest requests pending at the end of FY 2017.

17. 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, the following Components closed requests because they were withdrawn from their 10 oldest as noted below.

- CBP closed one request and provided no interim responses.
- FEMA closed one request and provided no interim responses.

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

The Chief FOIA Officer consistently encourages components to close out oldest requests by collecting information about the status of these requests in monthly reports. This information is then highlighted in a summary that is provided to component FOIA officers, and on a one page handout that is used during discussions with Department leadership.

In addition to encouraging Components to close the 10 oldest requests, the Chief FOIA Officer, through the DHS Privacy Office, collects monthly data regarding the age of all open pending requests. The DHS Privacy Office aggregates this information and provides Component FOIA Officers with a summary of the monthly data charting the age of open requests at each component and across the agency. This summary assists the Chief FOIA Officer and Component FOIA Officers in identifying bottlenecks and areas for improvement.

Component efforts to reduce the overall age of pending requests are described below.

CBP:

- Created a working group to process the 10 oldest requests.

CISA:

- Worked with its subcomponent offices to identify requests that would have the same or similar records in response to search taskings to provide consistency and reduce response times.
- Provided weekly reports to subcomponent searching units on open and overdue search taskers to create an open dialogue on the scope of the search or issues preventing a timely response.

FEMA:

- Sought status updates from processors and offered guidance on how to process more efficiently.

FLETC:

- Engaged with requesters to modify requests or clarify the scope to ensure the office was processing the request as efficiently as possible.

ICE:

- Provided weekly reports to program office searching units on open and overdue search taskers to expedite searches for records.

- Used e-discovery to reduce the number of non-responsive and duplicate records produced by the search that otherwise would have required a manual review, which allowed the FOIA staff to focus on redacting records.

TSA:

- Reviewed requests from each fiscal year and sent still interested letters and negotiated with the requesters when a voluminous amount of records were requested.
- Incorporated requirements to close old requests into the FOIA staffs' performance plans. FOIA analysts were required to prepare weekly reports outlining their processing plans for the upcoming week.
- Held meetings between supervisors and individual analysts to discuss and address processing challenges.

USCG:

- Sent out semi-annual backlog lists to all units/directorates with open requests. USCG discovered that the units/directorates had responded to the requesters, but had not notified the FOIA Office to close out the case.
- Contacted requesters to ensure they were still interested in the information requested.

USCIS:

- Assigned a senior Government Information Specialist to review outstanding cases report and work to resolve pending cases that were being held up for various reasons, such as waiting for files to be sent from other offices.

USSS:

- Conducted a case-by-case review of all backlogged cases.

Ten Oldest Appeals:

19. In Fiscal Year 2018, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

Table 6. Ten Oldest Pending Appeals as Reported in the 2017 Annual FOIA Report

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2 nd	Oldest Request
CBP	Date of Receipt	2017-05-03	2017-03-24	2017-02-27	2017-02-07	2017-01-04	2017-01-04	2017-01-04	2016-07-29	2016-03-11	2014-06-05
	Number of Days Pending	105	133	152	165	188	188	188	295	393	835
CISA	Date of Receipt	N/A	2017-09-21								

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2 nd	Oldest Request
	Number of Days Pending	0	0	0	0	0	0	0	0	0	7
FEMA	Date of Receipt	2017-09-07	2017-09-06	2017-08-10	2017-08-09	2017-06-07	2016-06-24	2016-03-10	2015-11-16	2015-01-23	2013-10-28
	Number of Days Pending	17	18	36	37	81	319	394	472	677	986
FLETC	Date of Receipt	N/A	N/A								
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
ICE	Date of Receipt	2016-12-06	2016-11-17	2016-10-27	2016-10-13	2016-09-29	2016-06-01	2016-05-06	2016-03-17	2016-02-24	2016-02-10
	Number of Days Pending	207	219	233	243	252	336	353	389	405	414
OGC	Date of Receipt	2016-11-30	2016-11-25	2016-10-24	2016-09-23	2016-08-29	2016-06-07	2016-02-03	2015-12-17	2015-12-03	2015-12-03
	Number of Days Pending	211	214	236	256	274	332	419	450	460	460
OIG	Date of Receipt	N/A	2017-09-21								
	Number of Days Pending	0	0	0	0	0	0	0	0	0	7
TSA	Date of Receipt	N/A	N/A	N/A	2017-09-08	2017-09-06	2017-08-15	2017-06-30	2017-06-22	2017-05-31	2016-09-25
	Number of Days Pending	0	0	0	16	18	33	64	70	86	255
USCG	Date of Receipt	2016-11-29	2016-10-18	2016-10-12	2016-09-12	2016-08-24	2016-01-05	2015-12-15	2015-09-03	2014-06-06	2013-09-09
	Number of Days Pending	212	240	244	265	277	439	452	521	834	1020
USCIS	Date of Receipt	2017-09-06	2017-09-06	2017-09-06	2017-09-06	2017-09-06	2017-09-06	2017-09-06	2017-09-06	2017-09-06	2017-09-06
	Number of Days Pending	18	18	18	18	18	18	18	18	18	18
USSS	Date of Receipt	N/A	N/A	N/A	N/A	2017-09-26	2017-09-21	2017-09-20	2017-09-20	2017-09-20	2017-06-16
	Number of Days Pending	0	0	0	0	4	7	8	8	8	74
AGENCY OVERALL	Date of Receipt	2015-12-15	2015-12-03	2015-12-03	2015-11-16	2015-09-03	2015-01-23	2014-06-06	2014-06-05	2013-10-28	2013-09-09
	Number of Days Pending	452	460	460	472	521	677	834	835	986	1,020

20. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

DHS closed eight of the 10 oldest appeals reported as pending in the FY 2017 Annual Report. Nine of the 11 Components that process appeals closed all 10 oldest appeals reported as pending in the FY 2017 Annual Report. Overall, DHS components closed 96 percent of the oldest appeals reported in the FY 2017 Annual Report.

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

Along with information regarding the status of the 10 oldest pending requests, the Chief FOIA Officer, through the DHS Privacy Office, collected monthly updates from Components on the status of the 10 oldest open pending appeals. The DHS Privacy Office provided its summary of this information to Component FOIA Officers, ensuring that Components were repeatedly reminded of the importance of closing the oldest pending appeals.

The DHS Privacy Office also collected information on a monthly basis about the age of all pending open appeals. The DHS Privacy Office aggregates this information and provides Component FOIA Officers with a summary of the monthly data charting the age of open appeals at each Component and across the Department.

Component efforts to reduce the overall age of pending appeals are described below.

CBP:

- Worked closely with the Office of Field Operations to obtain and process records responsive to appeals related to CBP's search of electronic devices.
- Worked closely with the Office of Border Patrol to agree on the redaction of a large number of intelligence reports rather than withhold in full.
- Met with the Office of Intelligence regarding an appeal that had been issuing rolling releases for several years and agreed that all responsive records had been provided and processed.
- Worked closely with the Office of Field Operations and the Office of Information Technology to respond to appeals involving large data sets.

FEMA:

- Sought status updates from processors and offered guidance on how to process more efficiently.

USCG:

- Met with legal counsel on a quarterly basis to walk through their sufficiency review, which improved processing time.

USCIS:

- Trained back-up FOIA approvers to assist with closing pending appeals.
- Initiated a hiring action to replace lost staff.

Ten Oldest Consultations:

22. In Fiscal Year 2018, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

Table 7. Ten Oldest Pending Consultations as Reported in the 2017 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
	Number of Days Pending	750	750	783	786	822	827	847	868	868	904
FEMA	Date of Receipt	N/A	2017-05-08	2016-09-12							
	Number of Days Pending	0	0	0	0	0	0	0	0	102	265
FLETC	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
I&A	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
ICE	Date of Receipt	2017-05-15	2017-05-15	2017-05-15	2017-05-15	2017-05-15	2017-05-15	2017-05-15	2017-05-12	2017-04-16	2016-04-07
	Number of Days Pending	97	97	97	97	97	97	97	98	117	374
NPPD	Date of Receipt	2016-11-22	2016-11-03	2016-10-26	2016-10-11	2016-09-12	2016-08-05	2016-08-04	2016-07-27	2016-07-19	2016-05-06
	Number of Days Pending	216	228	234	245	265	290	291	297	303	353
OIG	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PRIV	Date of Receipt	N/A	2017-09-07	2017-09-01	2017-08-22	2017-08-17	2017-05-30	2016-09-22	2016-07-19	2016-07-14	2016-05-24
	Number of Days Pending	0	17	20	28	31	87	257	303	306	341
S&T	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
TSA	Date of Receipt	N/A	N/A	2017-08-22	2016-08-05	2016-06-13	2016-06-01	2015-12-18	2015-12-18	2015-03-18	2014-06-24
	Number of Days Pending	0	0	28	290	328	336	449	449	640	822
USCG	Date of Receipt	2015-07-23	2015-06-22	2015-06-17	2015-05-28	2015-04-03	2015-04-01	2015-01-13	2015-01-13	2015-01-13	2013-06-20
	Number of Days Pending	551	573	576	590	628	630	684	684	684	1,075
USCIS	Date of Receipt	2017-08-15	2017-08-14	2017-07-17	2017-07-17	2017-07-10	2017-07-07	2017-04-26	2017-04-25	2017-04-07	2017-02-14
	Number of Days Pending	33	34	54	54	59	60	110	111	123	160
USSS	Date of Receipt	2016-07-19	2016-07-19	2016-07-07	2016-06-27	2016-06-27	2016-03-02	2016-01-19	2014-04-25	2013-09-03	2013-02-13

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3 rd	2nd	Oldest Request
	Number of Days Pending	303	303	311	318	318	400	430	863	1,024	1,164
AGENCY OVERALL	Date of Receipt	2014-06-24	2014-06-17	2014-05-19	2014-04-25	2014-04-18	2014-04-18	2014-02-27	2013-09-03	2013-06-20	2013-02-13
	Number of Days Pending	822	827	847	863	868	868	904	1,024	1,075	1,164

23. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

As indicated in Table 7, DHS closed seven of the 10 oldest consultations listed as open in the FY 2017 Annual Report. Overall, DHS Components closed 76 percent of the oldest open consultations reported in the FY 2017 Annual Report.

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

24. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2018.

Obstacles Components faced in closing their 10 oldest requests, appeals, and consultations from FY 2018 are described below.

CISA:

- Recognized an increase in the complexity, sensitivity, and the scope of the records that are being requested. CISA has engaged with the requester community to narrow these requests as much as possible and has identified internal strategies, including leveraging consolidated taskers to identify responsive records.

FEMA:

- Saw an increase in the complexity and volume of records.
- Experienced delays in acquiring records from program offices.

FLETC:

- Is slowed down by the need to conduct research and the time spent on review of records, mainly emails (multiple requests for emails which calculated into thousands of pages of review).

I&A:

- Experienced an increase of requests requiring the need to perform multiple consultations/coordinations with other federal entities that have equities in the material involved.

ICE:

- Is challenged by the complexity, sensitivity, and volume of records produced during searches. ICE engaged with the requester community to narrow these requests as much as possible and identified internal strategies to respond to these oldest requests without further delay.

OIG:

- Needed to obtain security clearances due to staff turnover. OIG's two oldest requests involve classified records.

USCG:

- Needed to reach out to other law enforcement agencies for input regarding information they supplied in open consultations.

25. 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.

26. 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 2018.

Component plans to close the "10 oldest" requests, appeals and consultations are described below.

FLETC:

- Is awaiting onboarding of new personnel due to additional resources secured by the FOIA office.

OIG:

- Will continue to complete the necessary steps in the clearance process in order to obtain necessary clearances and close old classified requests.

USCG:

- Plans to send out reminders and place additional calls to the respective agencies to close remaining consultations.
- Plans to meet with the legal office to ensure a speedy review of the remaining open appeals reported among the ten oldest in the FY 2017 Annual Report.

USCIS:

- Filled the vacancy on the appeals team, which should help ensure that there is no appeals backlog at the end of FY 2019.

III. Spotlight on Success

- To address some of the department's ongoing interoperability challenges, the Chief FOIA Officer directed the Privacy Office to establish and lead an enterprise-wide FOIA Technology System Requirements Working Group. This initiative moved forward with the support of former Deputy Secretary Elaine Duke, who approved a list of priority areas for budget and resource planning to address outdated FOIA IT systems in the Components. In July 2018, the Working Group submitted a Capabilities Analysis Report to the Deputy Secretary's Management Action Group Joint Requirements Council that recommended scalable requirements for an enterprise-wide FOIA processing and case management system.
- At the direction of the Chief FOIA Officer, the DHS Privacy Office launched aggressive backlog reduction efforts in collaboration with OBIM, CBP, and ICE – helping to eliminate about 12,000 requests from the DHS backlog by the end of FY 2018.
- The DHS Privacy Office and several Components successfully used e-discovery tools to cull, de-duplicate records, thread e-mails, and narrow large record sets based on key terms. As one example of the potential power of the expanded use of these tools across DHS, CISA used the tools to reduce 47,439 individual files to 42 pages of records. This process took the software approximately one working day to run in the background, whereas it would have taken a team of employees a number of months to complete the same task with less accuracy. This process was replicated for several litigations and FOIA requests throughout FY 2018. USCIS has also had extremely promising results from the use of e-discovery tools. In one case the universe of potentially responsive records was reduced from 15,000 down to 800, saving countless processing hours. USCIS also used these tools to reduce 81,987 pages of emails to 4,016 pages of emails that are responsive records. This reduced the manual review of emails for responsive records by 95 percent, saving the government hundreds of hours in labor.

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.

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 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 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 congressional staff. The office responds to inquiries from Congress; notifies Congress

about Department initiatives, policies, and programs; and keeps the Department's senior leaders informed about the activities of Congress.

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.

Cybersecurity and Infrastructure Security Agency (CISA) protects the Nation's critical infrastructure from physical and cyber threats. This mission requires effective coordination and collaboration among a broad spectrum of government and private sector organizations.

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.

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.

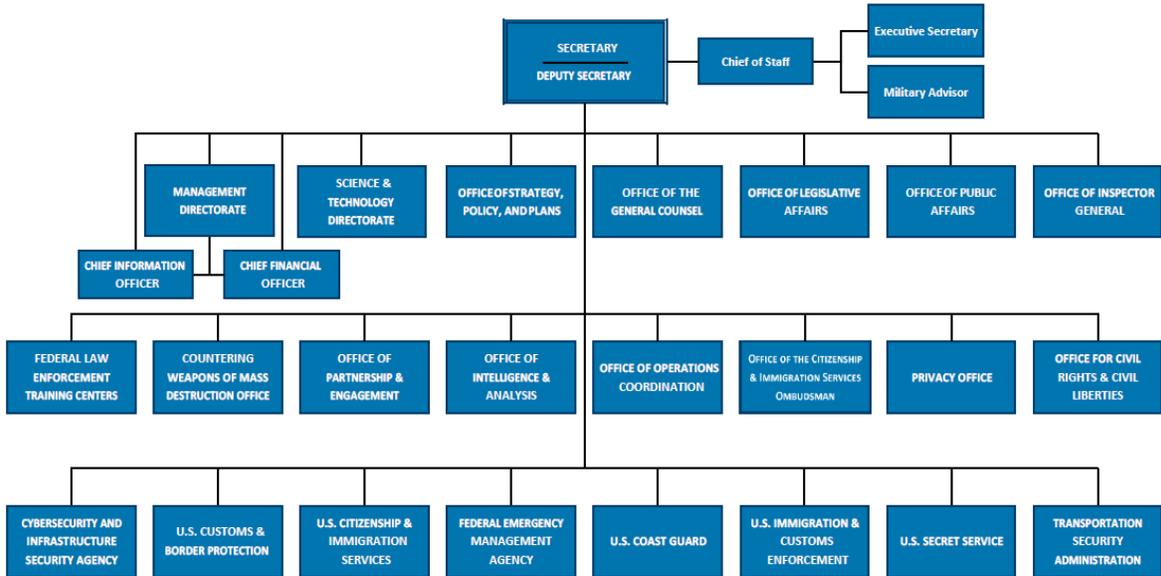
United States Coast Guard (USCG) is one of the five armed forces of the United States and the only military organization within the Department of Homeland Security. The Coast Guard protects the maritime economy and the environment, defends our maritime borders, and saves those in peril.

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 Chart¹⁸

U.S. Department of Homeland Security



¹⁸ 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: Acronyms, Definitions, and Exemptions

1. Agency-specific acronyms or other terms

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

2. Definition of terms, expressed in common terminology

- a. **Administrative Appeal** – A request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8, determined by dividing 24 by 3.
- c. **Backlog** – The number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – For agencies that process requests on a decentralized basis, a “Component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in Annual FOIA Report data for both the agency overall and for each principal Component of the agency.
- e. **Consultation** – The procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it provides its views on the record to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – A federal statute other than FOIA that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – A FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), an organization, or a particular topic of interest. Moreover, because requesters covered by the Privacy Act who seek records concerning themselves (i.e., “first-party” requesters) are afforded the benefit of the access provisions of both FOIA and the Privacy Act, the term “FOIA request” also includes any such “first-party” requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where the agency applies a Privacy Act exemption and therefore looks to FOIA to afford the greatest possible access. Prior to January 25, 2017, DHS applied this same interpretation of the term “FOIA request” even to “first-party” requests from persons not covered by the Privacy Act, e.g., non-U.S. citizens, because DHS by policy previously provided such persons the ability to access their own records in DHS’s Privacy Act “mixed systems of records” as

if they were subject to the Privacy Act's access provisions, and DHS processed the requests under FOIA as well.

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

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

- n. **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

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

Department of Homeland Security Chief FOIA Officer

Vacant
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
Jimmy Wolfrey
Acting 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

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. 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

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

Cybersecurity and Infrastructure Security
Agency
Angela Washington, Acting
Ph: 703-235-2211; Fax: 703-235-2052
U.S. Department of Homeland Security
Washington, DC 20528-0380

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

Office for Civil Rights and Civil Liberties
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

Federal Emergency Management Agency
Pearlene Robinson, Acting
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 D. Mikuta
Ph: 912-267-3103; Fax: 912-267-3113
Building No.681, Suite B187
1131 Chapel Crossing Road
Glynco, GA 31524

Washington, DC 20223

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

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
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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
Erica Talley (Acting)
Ph: 202-254-8372; Fax: 202-254-6912
U.S. Department of Homeland Security
Washington, DC 20528-0001

Transportation Security Administration
Teri Miller
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
Kevin Tyrrell
Ph: 202-406-6370; Fax: 202-406-5586
Freedom of Information Act and Privacy
Act Branch
245 Murray Lane, SW Building T-5