



Department of Homeland Security

2020 Chief Freedom of Information Act Officer Report

March 2020



Homeland
Security

Executive Summary

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 Freedom of Information Act (FOIA) program. The Department's FOIA Program is one of the largest FOIA Operations in the Federal Government: in Fiscal Year (FY) 2019, 607 FOIA personnel processed 429,799 requests—releasing more than 40 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 and provides regular updates regarding progress towards meeting the Department's FOIA performance measures. These performance measures assist Components in increasing responsiveness to requesters, promoting transparency, driving down the overall age of the backlog, and identifying potential resource gaps.

Containing and managing the FOIA backlog remains a Department priority. The DHS Privacy Office took several aggressive actions to assist Components with processing issues and reduce the backlog. The DHS Privacy Office took over responsibility for logging in requests at the Transportation Security Administration (TSA) after it lost contract support; this action enabled TSA FOIA processors to focus efforts on more complex tasks and responding to requests. The DHS Privacy Office also assisted the Office of Biometric Identity Management (OBIM) intake efforts and assisted with processing more than 10,000 OBIM requests. Additionally, the DHS Privacy Office closed out almost 8,000 U.S. Customs and Border Protection (CBP) requests before the end of FY 2019. These efforts, combined with a particularly notable investment in contract support and the deployment of a FOIA tracking and processing solution called FIRST (FOIA Immigration Records SysTem) at the United States Citizenship and Immigration Services (USCIS) that drastically increased its processing productivity, resulted in a reduction of the DHS FOIA backlog from 56,910 to 31,454 – a reduction of 45 percent.

The DHS Privacy Office will continue to work with Components to ensure that these gains are built on in the future. In particular, the DHS Privacy Office will focus its efforts on: improving the FOIA program's service to the public and the Department; investing in the FOIA workforce; modernizing the FOIA Information Technology (IT) infrastructure; and undergirding the FOIA regulatory and policy framework.

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 work of DHS employees touches the public on a regular basis. An employee with CBP inspects imported consumer products at U.S. ports of entry, from food to kids' toys and other household goods. The Cybersecurity and Infrastructure Security Agency (CISA) ensures you can safely connect to the internet. TSA ensures that you can safely travel to visit loved ones, see new places, and enjoy vacation time away from home.



CBP officers inspect goods at a U.S. port of entry.



FEMA assists the public in the wake of declared natural disasters.

DHS employees are also available to help the public at dangerous moments in their lives. The United States Coast Guard (USCG) regularly saves people in peril, and conducts investigations into maritime accidents. Federal Emergency Management Agency (FEMA) employees focus on helping people before, during, and after disasters.

DHS employees also have a key role in protecting fundamental parts of our society. USCIS administers the nation's lawful immigration system, and U.S. Immigration and Customs Enforcement (ICE) enforces criminal and civil federal laws governing customs, trade, and immigration. The United States Secret Service (USSS) safeguards the nation's financial infrastructure and payment systems, and protects national leaders, visiting heads of state and government, designated sites, and National Special Security Events.

In conducting its work, DHS employees generate a number of documents that are of great interest to the public. The FOIA gives the public the right to access agency records. While the primary purpose of the FOIA is to shed light on the government's actions and prevent secret laws, the law is also used by people who are applying for immigration or other benefits, researching family history, seeking business information about competitors' contacts with the agency, and other purposes.



New citizens are sworn in at a USCIS ceremony.

The vast majority of requests sent to DHS are for first-party records, meaning that requesters are seeking copies of information about themselves previously submitted to the government or records that document their interactions with agency officials. DHS receives a substantial number of first-party requests for contents of Alien files (A-Files) held by USCIS, entry-exit records held by CBP, biometric information held by OBIM, and personnel records held throughout the Department. Requesters need these records for personally critical and often time-sensitive reasons – they might be applying for benefits, facing deportation, or challenging their

employment termination. DHS also receives third-party requests for these kinds of records related to high-profile people, particularly once the person is deceased.



The National Records Center in Kansas City, Missouri stores more than 20 million immigration files.

Requests for A-file material comprise the vast majority of DHS's FOIA workload. A-Files document the life of immigrants in the United States. The average A-file includes around 200 pages; the size of A-Files is increasing and varies significantly based on the number of interactions with U.S. officials and the amount of material submitted to the government by the immigrant. While there have been some recent efforts to digitize some of the forms in A-Files, the records are largely paper-based. These records are held and processed at the National Records Center (NRC), a vast cave located in Lee's Summit, Missouri. DHS uses a cave for NRC operations because the environment is beneficial for paper-based records, and is large enough to accommodate the amount of space needed for storage – the facility has an area of nearly six football fields. A-Files might also be located at one of hundreds of field offices around the country. To process a FOIA request for an A-file, USCIS must locate and retrieve the file and digitize its contents using a high-speed scanner before the documents can be reviewed.

DHS also holds a number of records that are of regular interest both to first parties and members of the news media. These records might be requested by first parties for certain matters, including but not limited to, applications for benefits and appearances in immigration court. These records may also be of interest to the media due to high-profile incidents or general public interest. This category includes ICE Homeland Security Investigations (HSI) records, the results of USCG accident investigations, and records generated by FEMA related to disaster recovery.

Additionally, the Department produces a number of records that are regularly requested by the news media, academics, civil society organizations, and businesses. Commonly requested records in this category include Congressional correspondence and contracts. There is also a great deal of interest in DHS policies, including policies related to ICE HSI, and DHS's efforts to implement high-profile administration priorities, such as the construction of a wall on the southern border.

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. Upon its establishment, the DHS FOIA program became one of the largest FOIA operations in the Federal Government, and the Department inherited a substantial number of open FOIA requests. The first DHS Annual FOIA Report shows that almost 30,000 requests were pending at the end of FY 2003. According to the summary of Annual FOIA Reports compiled by the Department of Justice (DOJ) Office of Information Policy (OIP), about 250,000 requests were pending across the government at the end of FY 2006 – more than 40 percent of these requests were pending at DHS.

FOIA backlogs have continued to be a systemic problem at DHS, driven in large part by the continued increases in the number of incoming requests. While DHS has made impressive progress on the number of requests processed each year, these gains have been surpassed by steady increases in the number of incoming requests. The backlog has also been influenced by an increase in the complexity of requests and the volume of electronic records generated by the Department.

B. FOIA Operations and the DHS Privacy Office

Under DHS Delegation Number 13001, "Delegation to the Chief Privacy Officer," dated August 29, 2011, and DHS Directive Number 262-11, "Freedom of Information Act Compliance," dated April 17, 2017, the DHS Chief Privacy Officer is the Department's Chief FOIA Officer.² Agency Chief FOIA Officers have statutory responsibility for monitoring FOIA operations across the Department and recommending adjustments to agency practices, policies, personnel, and funding as may be necessary to improve performance, providing FOIA-related training, and preparing the required annual reports on the Department's FOIA performance.³ While Components are subject to the oversight of the Chief Privacy Officer, operations at DHS are decentralized and DHS Components are responsible for establishing and maintaining their own FOIA programs.

The DHS Privacy Office substantially increased its staffing and capacity between FY 2018 and FY 2019. The DHS Privacy Office full-time FOIA staff grew from 18.5 in FY 2018 to 31 in FY 2019, an increase of 68 percent. The FOIA function in the Privacy Office is carried out by three teams: (1) FOIA Policy, Compliance and Training, (2) FOIA Disclosure, and (3) FOIA Appeals and Litigation.

The FOIA Policy, Compliance and Training Team prepares policy guidance, conducts oversight activities, and provides DHS-specific FOIA training. This team collects, compiles, and analyzes monthly FOIA reports from DHS Components, prepares the DHS Annual FOIA Report and Chief FOIA Officer Report, and tracks significant FOIA activity through daily and weekly reporting. Additionally, the team compiles and analyzes Component FOIA self-assessments to identify best practices to improve performance and addresses particular Component compliance issues. Finally, the team arranges DHS-specific training opportunities, provides ad hoc training

² See: <https://www.dhs.gov/foia-statutes-resources>.

³ *FOIA Improvement Act of 2016*, Pub. L. No. 114-185, 130 Stat. 538 (2016) (provisions codified at 5 U.S.C. § 552) and Pub. L. No. 110-175 (Dec. 31, 2007).

on a variety of FOIA issues, manages the Resources for DHS FOIA Employees repository available on the Department's intranet, and conducts bi-weekly FOIA Training for New Employees.

In FY 2019, the FOIA Policy, Compliance and Training Team continued to establish and refine the Department's FOIA Oversight and Compliance Program. This program will surface shared challenges across Components and ensure Components are implementing best practices. The program will also alert the DHS Privacy Office to any emerging issues and allow the DHS Privacy Office to address these issues through the issuance of guidance or policies.

In FY 2018, Component FOIA Officers completed all 13 modules of the DOJ OIP Self-Assessment Toolkit, and the DHS Privacy Office reviewed and compiled results to identify

shared challenges and best practices to improve the Department's FOIA performance. This notable effort created a baseline understanding of shared challenges and pointed towards initiatives that will help improve Component FOIA performance.

The DHS Privacy Office has established a calendar that requires Component FOIA Officers to complete certain sets of modules each year and submit the results to the DHS Privacy Office. Each Component must complete all of the modules within three years.

The self-assessment program will be augmented with audit reports and evaluations completed by the DHS Privacy Office staff, the Government

Accountability Office (GAO), Component

Inspectors General, and the Office of Government Information Services (OGIS). Additionally, the DHS Privacy Office will develop modules tied to DHS-specific FOIA issues and policies.

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.⁴

⁴ 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.

DHS programs are wide-ranging, and the processing of requests requires close coordination with many internal and external customers, including other federal agencies, state and local governments, foreign entities, and private companies. DHS Privacy Office Government Information Specialists also provide expert FOIA guidance to the Component FOIA Offices and communicate regularly with DHS's many stakeholders.

The DHS Privacy Office also regularly uses its staff and management expertise to assist Components with processing issues. In FY 2019, the FOIA Disclosure Team processed 43,062 requests. This team also took over responsibility for logging in requests at TSA after it lost contract support, enabling TSA FOIA processors to focus efforts on more complex tasks and responding to requests. The team also assisted OBIM intake efforts and assisted with processing more than 10,000 requests, and eliminated 8,000 CBP requests from the backlog before the end of the Fiscal Year. In expanding its staff and the kinds of work handled by the Disclosure Team, The DHS Privacy Office is developing a career ladder for Government Information Specialists that can be modeled across the Department. The career ladder will take advantage of the broad range in the type and complexity of records commonly processed at Components to allow employees to progress in their careers. This will help ensure that DHS benefits from the early investments and training provided to employees, and that DHS is in a better position to recruit and retain employees.

The FOIA Appeals and Litigation Team manages the administration of the DHS Privacy Office appeals process and assists the Office of the General Counsel (OGC) in litigation involving the DHS Privacy Office and

offices it processes on behalf of or involving records with significant departmental equity. In FY 2019, the FOIA Appeals and Litigation Team, managed the administration of 508 appeals— an increase of 52 percent compared to the previous fiscal year (334 appeals), and released almost 50,000 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.⁵

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.

⁵ 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 issued DHS Designation Number 13002, "Designation of the Chief Privacy Officer to the Chief Freedom of Information Act Officer," dated July 17, 2019. 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.

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

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 and monitored completion of the training through monthly reporting. In FY 2019, 99 percent of DHS FOIA professionals completed this training.

Additionally, the DHS Privacy Office worked with partners to provide targeted training opportunities for DHS FOIA employees. These training sessions included an advanced FOIA training session and a session on writing Vaughn declarations presented by the founding Co-Director of the Office on Information and Privacy at the Department of Justice, Richard Huff, and a DHS-specific training session on dispute resolution skills by the Office of Government Information Services (OGIS). Seats were made available to Component FOIA employees for all of these sessions.

The DHS Privacy Office also partnered with the Department of the Treasury to host a two-day Sunshine Week FOIA Training Summit, which was keynoted by the Chief Judge of the U.S. District Court of the District of Columbia. The event offered employees specific DHS FOIA training and created an opportunity to network and exchange best practices with colleagues. During the first day, DHS staff provided training on intake strategies, working with broad requests, FOIA exemption 4 and the notification process, the DHS compliance program, and litigation. DHS General Counsel John Mitnick ended the day by presenting the 2019 Sunshine Awards, which recognize exceptional service by DHS FOIA employees at all levels. During the second day, DHS and Treasury staff offered training on the FOIA/Privacy Act Interface, FOIA exemption 3, FOIA exemption 7, and dispute resolution skills. The Summit closed with an open session that enabled attendees to hear requester perspectives.

The DHS Privacy Office made available all of the slides and other training materials from the Summit and other training sessions on a DHS FOIA Employee Resources SharePoint page. The page is available to all DHS employees on DHSCConnect, the Department's intranet site. The page also includes links to DHS FOIA policies and includes information about FOIA employee awards programs, including the Sunshine Awards and the DOJ awards program.

The DHS Privacy Office also:

- Provided ad hoc training on common processing issues.
- Conducted bi-weekly New Employee Training on the FOIA along with best practices for safeguarding personally identifiable information.
- Met bi-weekly regarding its FOIA program and processing requests, and provided training in meetings regarding general FOIA provisions, exemptions, appeals, and records searches.

- Sent all Privacy Office FOIA professionals to the ASAP National Training Conference.

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

CBP:

- Presented Annual FOIA training for FOIA professionals. Topics included an overview of the FOIA, exemptions and proper application, fee waiver determinations, fee categories, and requests for expedited treatment.
- Conducted numerous trainings for non-FOIA professionals.
- Hosted two representatives from the CBP Privacy Office to provide training on identifying and safeguarding personally identifiable information.
- Worked with FOIA Appeals to train staff members on consistent Fines, Penalties and Forfeiture processing.

CISA:

- Sent all full-time FOIA professionals to the American Society of Access Professionals (ASAP) National Training Conference.

FEMA:

- Sent FOIA professionals to the ASAP National Training Conference, OGIS Dispute Resolution Skills Training Session, and DHS-specific training opportunities organized by the DHS Privacy Office.

Federal Law Enforcement Training Centers (FLETC):

- Sent FOIA professionals to the ASAP National Training Conference.

Intelligence and Analysis (I&A):

- Sent FOIA staff to multiple trainings, including the DOJ OIP FOIA Litigation seminar, OIP's Annual FOIA Report Training, OIP's Continuing FOIA Seminar; AINS FOIAXPRESS Conference, and the International Association of Privacy Professionals (IAPP) Conference.

ICE:

- Conducted FOIA training during new employee orientations and a refresher training for its staff. Topics included basic understanding of FOIA procedural requirements and its exemptions.
- FOIA staff attended DOJ and OGIS trainings. Topics included FOIA exemptions, litigation, and requester conflict resolution.

- FOIA professionals attended the 2019 ASAP National Training Conference.

Office of Inspector General (OIG):

- Sent FOIA professionals to the following FOIA trainings: Freedom of Information Act Training for Federal Employees; DOJ OIP Freedom of Information Act for Attorneys and Access Professionals; DOJ OIP FOIA Litigation seminar; DOJ OIP Continuing FOIA Education Training; DOJ OIP Best Practices Workshop (FOIA Appeals); DHS FOIA Litigation Training; FOIA Training for Federal Employees; DHS and DoT FOIA Training Summit; DHS Privacy Office Requester Roundtable; DHS Privacy Bootcamp; 14th Annual FOIA Xpress and eCase User Conference; and Relativity Fest.
- Met regularly to discuss emerging FOIA best practices and recent case laws.
- Ensured employees who are not part of the FOIA Unit but who have FOIA responsibilities also attended at least one in-house FOIA training during the reporting period.

Science & Technology Directorate (S&T):

- Sent FOIA professionals to the Department of Justice's FOIA Training for Attorneys and the ASAP National Training Conference. Access Professionals trainings. Topics included: FOIA's procedural requirements and exemptions, workshops on individual FOIA Exemptions, basic principles for processing FOIA requests from start to finish, the FOIA's proactive disclosure requirements, and the interface between the FOIA and the Privacy Act.

TSA:

- Sent all staff to the DHS Sunshine Week FOIA Training Summit.

USCG:

- Sent staff to the Advanced FOIA Training Session arranged by the DHS Privacy Office, the Sunshine Week FOIA Training Summit, OGIS Dispute Resolution Skills, and the 2019 ASAP FOIA-Privacy Act Training Workshop.
- Conducted FOIA Training for FOIA professional or personnel on the following dates and locations throughout the fiscal year:
 - October 11, 2018 - Aviation Technical Training Center (ATTC) Elizabeth City
 - Legal Service Command, Admin Division (LSC Admin)
 - March 14, 2019 - Atlantic Area (LANTAREA) Legal Base Portsmouth Legal
 - Legal Service Command, Military Justice Division (LSC-LMJ)
 - April 25, 2019 - Atlantic Area (LANTAREA) Legal
 - Aviation Logistics Center (ALC), Elizabeth City
 - Legal Service Command, Command Services Branch (LSC-LMJ-CSB)
 - Legal Service Command, General Law Division (LSC-LGL)

- Sector Hampton Roads
- May 15, 2019 - Civil Engineering Unit (CEU) Oakland
 - Legal Service Command, Acquisitions Law Division (LSC-ALC)
 - Legal Service Command, Command Services Branch (LSC-LMJ-CSB)
 - Pacific Area (PACAREA) Legal
 - Sector San Francisco
 - Shore Infrastructure Logistics Center (SILC) Detachment Oakland
- June 20, 2019 - Atlantic Area (LANTAREA) Legal
 - Base Elizabeth City
 - Command, Control & Communications Engineering Center (C3CEN)
 - Fifth District (D5) Legal
 - Force Readiness Command (FORCECOM)
 - Legal Service Command, Admin Division (LSC Admin - Auxiliarist)
 - Legal Service Command, Command Services Branch (LSC-LMJ-CSB - Interns)
 - Operations Systems Center (OSC)
- August 15, 2019 - Fifth District (D5) Legal
 - Legal Service Command, Claims Branch (LSC-ALC-C)
 - Training Center (TRACEN) Yorktown Legal
 - FOIA process and requirements training to the CG-912 contracting office.

USCIS:

- Presented a half day of FOIA training by the USCIS Office of Chief Counsel to employees of the FOIA/PA branch during our annual Sunshine Week celebration.
 - Topics covered during the training included:
 - OCC Overview
 - Significant USCIS FOIA litigation
 - FOIA Requests, Searches, Processing, and Referrals
- Required all FOIA personnel to complete the DOJ FOIA Training for Professionals module on line.

USSS:

- Conducted bi-weekly new employee training on the FOIA for all new USSS employees and met bi-weekly with all staff regarding the FOIA program – processing requests, the FOIA provisions, exemptions, appeals, and records searches.
- Sent FOIA staff to several DOJ OIP trainings, including: FOIA Training for Professionals, FOIA Litigation Seminar, FOIA Annual Report Refresher, Chief FOIA Officer Report Refresher, Building a Great FOIA Program with Dispute Resolution Skills, and FOIA Best Practices Workshop; and to training offered by the DHS Privacy Office and ASAP.
- Led a training seminar at the ASAP National Training Conference.

- Provided training classes for employees in the Inspection Division, the Management Division and the Office of Protection Operations. The training included an overview of FOIA statutes and guidelines and how the FOIA interfaces with the Privacy Act. 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.
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, in FY 2019, 99 percent of 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 as substantially more than 80 percent of DHS FOIA employees received substantive FOIA training in FY 2019. The Chief FOIA Officer remains committed to offering 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 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,⁶ 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

⁶ *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.

about agency experiences and best practices, and working on initiatives that will increase transparency.

In addition to participation on the Chief FOIA Officer Council, DHS is represented on the FOIA Advisory Committee by the DHS Privacy Office's Senior Director, FOIA Policy, Appeals and Litigation. The FOIA Advisory Committee brings together FOIA experts from inside and outside government to collaboratively develop solutions to improve the administration of FOIA. DHS' representative is the co-chair of the Time/Vision Subcommittee, which is focused on developing recommendations to increase the timeliness of responses and understand the burden on agencies from responding to voluminous requests.

The DHS Privacy Office also organized several training sessions focused on working with requesters and opportunities for DHS FOIA employees to engage directly with requesters. The Sunshine Week FOIA Training Summit included a training session on working with broad requests and a panel titled, "Ask the Requester," which included two representatives of organizations that regularly submit a number of requests to the Federal Government. Additionally, the DHS Privacy Office hosted a requester brown bag meeting that was open to all DHS FOIA employees with Michael Morisy, the co-founder of MuckRock, a popular online service for submitting public information requests. In addition to explaining requester views on agency FOIA processing issues, Mr. Morisy explained more about how MuckRock works and how his organization's other projects support government transparency.

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:

- Engaged the Importer request community regarding the processing of Fines, Penalties and Forfeiture (FP&F) and Import-Export type requests in detail. These requests have long been processed at the Port level, and many still are. In FY 2019, the CBP FOIA office hired an FP&F paralegal from the field, who has begun standardizing the processing of these requests with input from FOIA Appeals, and has trained two additional FOIA staff on these procedures. As part of this processing, the processor advises the requester on what information CBP can and cannot provide.

I&A:

- Participated jointly with other DHS components and the Department of the Treasury in an outreach seminar to the requester community during the Sunshine Week FOIA Training Summit.

ICE:

- Worked with requesters to assist them with crafting targeted FOIA requests in order to reduce response time. ICE proactively reached out to requesters to obtain clarification on

the scope of their requests. The office also followed up with requesters on backlogged requests.

OIG:

- Reached out to FOIA requesters to clarify and discuss the scope of requests, and to provide updates to requesters upon request. This dialogue promotes openness and confidence within the requester community.
- Worked with requesters to help them understand the types of records OIG maintains and how requests may be narrowed to ensure accurate and efficient retrieval of records that will satisfy the request. This strategy not only assists the requester in receiving a timely and focused response, but it also helps to reduce the volume of records necessary for processing, which in turn helps to reduce OIG's backlog of requests. This open communication is beneficial for the requesters and the agency.
- Maintains a FOIA hotline where members of the public or requesters may call to discuss the FOIA and/or to learn about the status of their request and a FOIA Inbox used for the same purpose.

TSA:

- Conducted Annual FOIA Point of Contact (POC) training, which is available on TSA's internal I-Share page for the FOIA POCs.
- Posted records to the public reading room on a weekly basis.

USCG:

- Attended the requester brown bag session the DHS Privacy Office arranged with MuckRock to understand its processes and goals.

USCIS:

- The USCIS FOIA Significant Interest Group reached out to FOIA requesters to clarify and discuss the scope of requests and provide status updates thereby promoting openness and confidence within the requester community. The Significant Interest Group also worked with requesters to help them understand the types of records maintained by USCIS and how requests may be narrowed to ensure accurate and efficient retrieval of records. USCIS FOIA joined an outreach hosted by MuckRock to gain more insight into the needs of requesters. Held an outreach session with the requester community to announce the launch of FIRST, its new, end to end, completely digital FOIA processing system.

USSS:

- Encouraged the requesters to contact the FOIA Public Liaison by adding the FOIA Public Liaison contact information to all FOIA response letters.
- Contacted requesters by telephone or email to get clarification, narrow the scope of the request, and develop a working relationship with them.

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.

In 2019, the DHS FOIA Council established an Employee Development Committee.⁷ This Committee is key to an ongoing effort to ensure the FOIA program's footprint on the agency is the correct size and that DHS can attract and retain talent through the development of a DHS Government Information Specialist career ladder and a staffing model. The staffing model will be based on improved reporting of FOIA costs that includes salaries, employee benefits, non-personnel direct costs, indirect costs, and cost for other offices,⁸ and take into account DHS FOIA performance metrics that better capture the amount of work required to process a request – including the number of pages reviewed and amount of information redacted – and take into account factors like the complexity and sensitivity of a Component's records, the Component's risk threshold, and the impact of the use of contractors. Specifically, the Committee is currently evaluating methods to leverage FOIA training opportunities across the Department, and will develop model position descriptions and performance measures for Component FOIA programs.

In 2019 the DHS Privacy Office revamped the FOIA portion of the Privacy and FOIA training provided during DHS's new employee orientation. The training provides an overview of the law, and helps new employees understand their roles and responsibilities in administering FOIA. The DHS Privacy Office also developed a handout for new employees that provides clear guidance for responding to FOIA requests. The handout is available to all employees on the DHSConnect general FOIA page, and on the DHS FOIA Employee Resources page.

As noted previously, DHS also recognizes Sunshine Week to emphasize the importance of the FOIA and government transparency each year. In March 2019, the DHS Privacy Office integrated its annual Sunshine Awards Celebration into the Sunshine Week FOIA Training Summit. The DHS General Counsel, John Mitnick, and the Chief FOIA Officer recognized four FOIA professionals for their work and dedication to FOIA operations. The high-profile

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

⁸GAO-15-82: FOIA: DHS Should Take Steps to Improve Cost Reporting and Eliminate Duplicate Processing. Published: Nov 19, 2014. (<https://www.gao.gov/products/GAO-15-82>)

event included opening remarks from the Chief FOIA Officer and an address from the DHS General Counsel on the importance of the FOIA in providing transparency and openness into the Department's actions.

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

CBP:

- Set up numerous trainings and follow-up meetings with non-FOIA professionals to discuss the agency's responsibility under FOIA. These trainings focused on the importance of conducting and documenting adequate FOIA searches.

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.

Office for Civil Rights and Civil Liberties (CRCL):

- Provided training to its Compliance Branch regarding their obligations under the FOIA, Exemptions 5 and 6, and heightened interest in agency records.
- Briefed leadership weekly on the status of its FOIA requests.

FEMA:

- Educated program office staff on the FOIA while working on requests.
- Held separate meetings and teleconferences to discuss program office's obligations under the FOIA.

FLETC:

- Worked closely with non-FOIA professionals when responding to requests and transferred knowledge during these transactions.

I&A:

- Presented information and training at various times during the year to incoming employees and to management personnel and provided training and consulting to individual employees on request.
- Briefed senior leadership weekly on the status of its FOIA requests.
- Provided in-depth, case-by-case search guidance to individual I&A section professionals responsible for conducting searches for responsive documents.

ICE:

- Held 11 training sessions for program offices who conduct record searches. The trainings provided an overview of the FOIA process and the office's requirements for conducting a proper search for records.

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.
- 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 running and documenting efficient and comprehensive FOIA searches.

S&T:

- Sent out annual reminders regarding non-FOIA employees' responsibilities related to FOIA.

TSA:

- Conducted Annual FOIA Point of Contact training and provides "make-up" sessions throughout the year. In addition, the training presentation is available on its internal I-Share page for the FOIA POCs to reference as needed.

USCG:

- As a result of work by the Integrated Project Team (IPT), posted a Frequently Asked Questions page about FOIA from non-FOIA Professionals. The IPT created and championed a FOIA Icon on the main page of the USCG's portal which allows for easy access to the dedicated FOIA page and processing guides for new and seasoned non-FOIA professionals.

USCIS:

- Arranged for USCIS FOIA personnel to visit all five USCIS Service Centers, the National Benefits Center and Investment Program Office to discuss best practices in relation to offsite scanning efforts. Topics of discussion included: obligations relating to the timeliness of FOIA requests, their role in the overall FOIA program, and hands-on instruction of new workflows in regards to operating the FOIA Immigration Records SysTem (FIRST).
- The USCIS FOIA Significant Interest Group participated in conference calls with program offices, to include Field Operations Directorate (FOD) and Refugee, Asylum,

and International Operations (RAIO), during which newly assigned staff were informed of their obligations under FOIA.

USSS:

- Convened a FOIA Town Hall. The event was advertised to all USSS personnel, and the FOIA office provided refreshments and snacks to entice non-FOIA professionals to attend. This was the first FOIA Town Hall at the USSS. The Chief Disclosure Officer provided an overview of the FOIA and explained their roles, especially their responsibility to conduct the search and fill out the search form. This event was recorded and remains posted to the USSS Intranet for any personnel who could not attend in person.
9. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

The DHS Chief FOIA Officer advances efficient and appropriate compliance with the FOIA by stressing the importance of openness. In March 2019, 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.⁹ The message was also posted on the Department’s internal agency website.

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

CBP:

- Sent weekly status reports to program office leaders. The status reports outlined the open requests, overdue requests, and FOIA instructional guides.

OIG:

- Followed a policy of transparency and openness when processing and responding to FOIA requests.

TSA:

- Ensured that records which can be posted to the public reading room are posted on a weekly basis.

⁹ See: <https://www.dhs.gov/sites/default/files/publications/Directive%20262-11%20Freedom%20of%20Information%20Act%20Compliance%20April%202017.pdf>.

USSF:

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

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 2019, 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 2019 Annual FOIA Report.

As Table 1 below indicates, DHS, as a whole, adjudicated requests for expedited processing in an average of 41 days.

Table 1. Requests for Expedited Processing in FY19 as Reported in FY19 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	160	1,647	22	50	505
CISA	2	9	1	1	11
FEMA	5	70	1	1	75
FLETC	1	0	10	10	1
I&A	3	1	1	1	4
ICE	438	173	1	7	541
OIG	4	35	12	59	19
PRIV	11	22	2	10	28
S&T	0	0	0	0	0
TSA	2	52	1	3	52
USCG	0	2	15	15	1
USCIS	20	1,096	39	51	150
USSS	0	92	1	5	81
AGENCY OVERALL	646	3,198	18	41	1933

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.

The DHS Privacy Office continues to utilize the DOJ OIP Self-Assessment Toolkit to identify best practices and areas of improvement. As previously described, Components complete a portion of the modules on an annual basis and submit the responses to the DHS Privacy Office for review as part of the DHS FOIA Oversight and Compliance Program. The results of the self-assessments are augmented with independent evaluations and analysis of Component FOIA operations by OIG, GAO, OGIS, and the DHS FOIA Policy, Compliance and Training Team. The goal of this effort is to streamline processes; identify resource needs, training and policy gaps; and identify new technologies.

In addition to self-assessments, the DHS Privacy Office has developed and instituted Component FOIA performance metrics. These performance metrics set clear goals for the number of requests Components are expected to process and the number of pages they are expected to release. It also encourages Components to focus efforts on closing out any request that has been open for more than 200 days. These metrics will improve our service to the public by driving down response time and focusing attention on reducing the over-all age of requests. The metrics will also assist Components in identifying areas for process improvement and determining any resource gaps.

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

CBP:

- Reviewed FOIA metrics on a weekly basis to monitor the status of all open requests, backlogged requests, and the workload of our FOIA professional, and adjusted workloads accordingly.

FLETC:

- Gathered data from an Excel spreadsheet to track and manage incoming FOIA requests, appeals, processed and closed requests along with general knowledge of the working methods used to complete the FOIA Self-Assessment Toolkit.

I&A:

- Conducted a self-assessment of the FOIA program using the OIP toolkit and implemented process improvements during intake and regarding the adjudication of requests for expedited processing.

ICE:

- Evaluated all aspects of the FOIA program throughout the reporting period. This evaluation included the implementation and review of bi-weekly and monthly production data, along with other metrics developed by the office. Additional metrics included data on appeal remands, analysis of outstanding FOIA taskings across ICE, tracking and reporting of FOIA litigation settlements, etc.

OIG:

- Used the OIP FOIA Self-Assessment Toolkit to conduct a comprehensive assessment of OIG FOIA processes and program.

S&T:

- Used SharePoint S&T tracker to track and maintain all FOIA taskers.
- Updated S&T internal FOIA Standard Operating Procedures.

TSA:

- Established processing plans to close the Ten Oldest requests, process and close the remaining consultations and open 2014 and 2015 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.

USSH:

- Reviewed previous three years of FOIA Annual Reports to identify trends and peak request time to better adjust staff. This review was conducted by a new management team with fresh perspectives on the FOIA process currently in place. For example, the Assistant Disclosure Officer for the Intake Team met with each team member individually to hear about past successes, present concerns, and ideas for improving the efficiency of the current process. She relayed these to the management team for consideration. As a result, USSS implemented process changes to both the front-end intake of FOIA requests as well as the back-end reviewing of redactions that have sped up the process. She is also improving the administrative records by drafting checklists, which are particularly useful for new team members who are unfamiliar with the process. This process has been useful for rethinking processes and identifying best practices.
 - Developed a plan to involve all FOIA staff in the creation and implementation of a revised Standard Operating Procedures document by April 2020.
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 15,834 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. These Components reported the following numbers: CISA: zero; FEMA: 50; FLETC: 60; I&A: 10; OIG: 15; DHS Privacy Office: 100; S&T: 15; TSA: five; USCG: 600 and USSS: 150.

Components that process a large volume of requests reported considerably more requests for assistance. These Components provided the following numbers: CBP: 5,389; OBIM: 3,000; and USCIS: 6,200. While ICE also processes a large volume of requests, it reported that requesters asked for assistance from the FOIA Public Liaison 240 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 also relies on the DHS FOIA Council to advise the Chief FOIA Officer on policy and management matters concerning the departmental FOIA Line of Business function. In November 2018, the DHS Chief FOIA Officer signed the DHS FOIA Council Charter. The purpose of the Council is to advise the Chief FOIA Officer on policy and management matters concerning the departmental FOIA Line of Business function. The Council, which meets on a quarterly basis, is chaired by the Chief FOIA Officer, and co-chaired by the Deputy Chief FOIA Officer. General membership is comprised of Component FOIA Officers. The DHS Privacy Office provides an executive secretary and other staff as required to support Council meetings. The Council provides a forum for sharing FOIA best practices and for coordinating cross-component challenges and developing solutions. As a matter of policy and to ensure independence, the OIG declined to participate in the Council.

The Council Charter also gives Council members the responsibility for setting the strategic agenda for Council activities, including identifying common interests or common needs of the FOIA community and setting goals and performance measures. Additionally, the Council Charter provides the Chair with the responsibility to provide directions and final decisions on all FOIA issues before the Council after discussion, and to seek to resolve or mitigate any concerns or objections before final decisions are made.

The Council Charter enables the creation of standing and ad hoc committees as required to study emerging priorities. Members of the Council are required to be the head of any committee created by the Council, and Council members and staff may serve on a committee. The committee can submit reports to be made available to all Council members.

The Council currently has four Committees: Technology, which is focused on interoperability, creation of systems, and computer-assisted review; DHS FOIA Employee Development, which is focused on training, performance plans, community of practice, and awards programs; Policy, which is focused on policy development and templates; and Backlog, which is focused on the backlog reduction plan and DHS FOIA performance metrics. The topics that the Committees are dedicated to reflect much of the work needed to mature DHS FOIA operations in ways that will increase stakeholder satisfaction with reliability, security, privacy, and responsiveness of the program. In particular, the Committees will address employee management and development issues and FOIA policy. We expect the Committees will provide valuable insight and create buy-in for agency actions to take the steps necessary to appropriately mature the FOIA program management.

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

CBP:

- Improved relationships with non-FOIA professionals and leadership by assigning each office a FOIA subject matter expert. This process allowed for more efficient and quicker feedback on the processing of FOIA requests.

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.

DHS Privacy Office and OBIM:

- Coordinated efforts to ensure timely responsiveness to pending FOIA requests.

FEMA:

- Routinely contacted requesters to discuss what to expect from our processing of their request.

I&A:

- Focused on enriching the longstanding partnership between the Information Law Division and DHS Privacy Office in an effort to enhance FOIA training, improve FOIA handling practices, and improve understanding of all procedural and regulatory requirements.

ICE:

- Revamped its internal Standard Operating Procedures (SOP) to ensure that staff have clear and concise guidance on the processing of FOIA requests.
- Utilized 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, e-mail threading, and key term searching were employed as part of this process.

USCG:

- Updated the USCG portal with access to the DHS FOIA templates, FAQs for non-FOIA professionals, and FOIA processing guide.
- Sent quarterly reports to offices and units to ensure they have received requests that were assigned to them and to get updates on their plans to process any requests that are older than 20 business days.

USCIS:

- Used an automated workflow system, FIRST, which was deployed in several phases starting in March of 2018. From the time a FOIA request is scanned into the system, or received electronically through our online submission portal, FIRST generates a tracking number, acknowledges receipt of the request, staffs for responsive records, and automatically routes cases in first in, first out order through various work queues. For requesters who place their FOIA requests online through the digital request portal or opt into digital delivery, their response is automatically uploaded to their USCIS account immediately after their case is closed. FIRST provides reporting capabilities allowing daily, weekly, and monthly analysis of performance.

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. In FY 2019, DHS upgraded the functionality of its website to allow the public to better search its publications, including publications posted to the DHS Privacy Office's Electronic Reading Room. Users can now view a list of publications posted to the Electronic Reading Room and filter the list by topics and keywords. Examples of material posted by the DHS Privacy Office include:

- [Certain Seizure Data from CBP](#)
- [DHS Expansion of Biometrics Memo](#)
- [Termination of the Presidential Advisory Commission on Election Integrity](#)
- [Travel Reports \(including Senior Official Travel Reports and Premium Class Travel Reports\)](#)
- [Donation to the Department of Homeland Security by President Trump](#)
- [Resignation Letter of Secretary of Homeland Security Kirstjen M. Nielsen](#)
- [Resignation Email of Secretary of Homeland Security Kirstjen M. Nielsen to Staff](#)
- [Resumes of Political Appointees](#)
- CBP Border Wall Records (various)

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

CBP:

- Records pertaining to Border Wall requests, Executive Orders 13767 and 13767, 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>)

FEMA:

- Frequently requested claims data from the flood insurance program (<https://www.fema.gov/media-library/collections/339>)

FLETC:

- FOIA logs (https://www.fletc.gov/sites/default/files/fy_2018_foia_disclosure_log_-_redacted.pdf)

I&A:

- FOIA logs (<https://www.dhs.gov/publication/ia-foia-logs>)

ICE:

- ICE proactively posted records to the ICE FOIA Library to include Prison Rape Elimination Act (PREA) and Detention Facility Compliance Inspection reports. All proactive disclosures are posted to <https://www.ice.gov/foia/library>

OIG:

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

TSA:

- Throughput Data, FOIA Logs and TCC Quarterly reports (<https://www.tsa.gov/foia/readingroom>)

USCG:

- Information regarding topics such FOIA Logs, results of high-profile investigations and accident reports, and documents related to lead found at West Chop Coast Guard housing. (<https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/FOIA-Library/>)

USCIS:

- Information regarding topics such as the USCIS Updated Policy Guidance on Notice to Appear (NTA), Alien Files of interest, raw data, Director's remarks, statistical analysis, FOIA Logs, Congressional Correspondence, grants and contracts. (<https://www.uscis.gov/about-us/electronic-reading-room>)

USSS:

- FOIA logs (<https://www.secretservice.gov/press/foia/library/>)
2. 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.

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

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

CBP:

- Pursued options for improving the FOIA program's ability to post records to the Electronic Reading Room.

ICE:

- Assigned a resource to review documents for proactive disclosure to the ICE FOIA Library as part of their weekly duties. Additionally, ICE program offices forward documents for review and proactive disclosure outside of normal FOIA processing.

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.

TSA:

- Revamped the TSA FOIA website to ensure information is presented in a user-friendly format, updated and accurate.

USCIS:

- Added a link to the Electronic Reading Room to the main USCIS webpage for public visibility.
- Continued to add categories of records as necessary.

USSS:

- Discussed and proposed ideas for re-organizing the external-facing FOIA website with the USSS web team. The update will include updating naming conventions to make it easier for users to identify records of interest.
- Proactively posted frequently requested records.

4. Optional -- Please describe:

- Best practices used to improve proactive disclosures
- 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

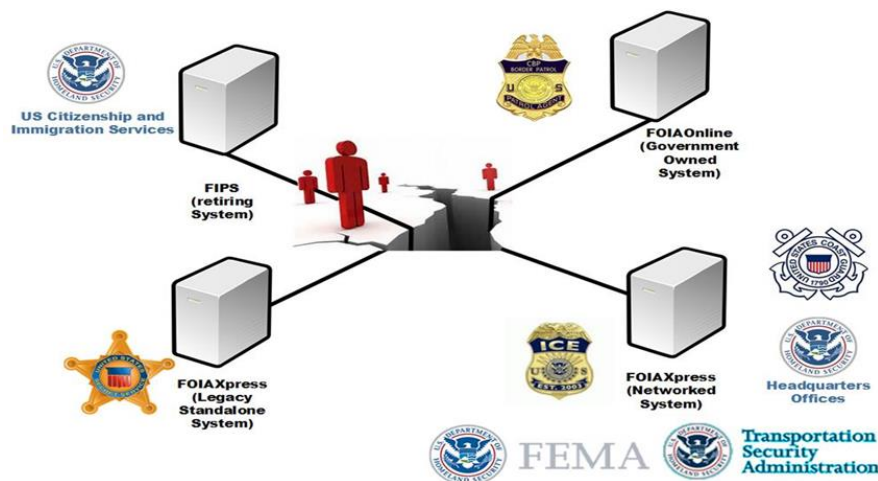
Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that describes your agency's efforts in this area.

1. Is your agency leveraging or exploring any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.

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). Efforts to digitize the FOIA process, eliminate paper-based processes, and avoid duplicating efforts have been key to the Department's ability to increase the number of requests processed and pages released. Currently, 10 of 13 Components participate in a contracted FOIA tracking and processing solution that enables Components to share the costs of storage and IT support, avoid duplicative data entry, seamlessly transfer requests across Components, and better manage the workforce.

Senior Department leadership pushed forward an initiative to address outdated IT systems in the Components by approving a list of priority areas for budget and resource planning. In July 2018, the FOIA Technology System Requirements

Working Group, under the leadership of the DHS Privacy Office, use drafted a Capabilities Analysis Report that recommended scalable requirements for an enterprise-wide FOIA processing and case management system. In a recent report on best practices for leveraging technology to improve FOIA processes, the National Archives and Records Administration's OGIS cited the work of the DHS FOIA Technology System Requirements Working Group in writing requirements for a department-wide FOIA processing and case management system as a best practice.



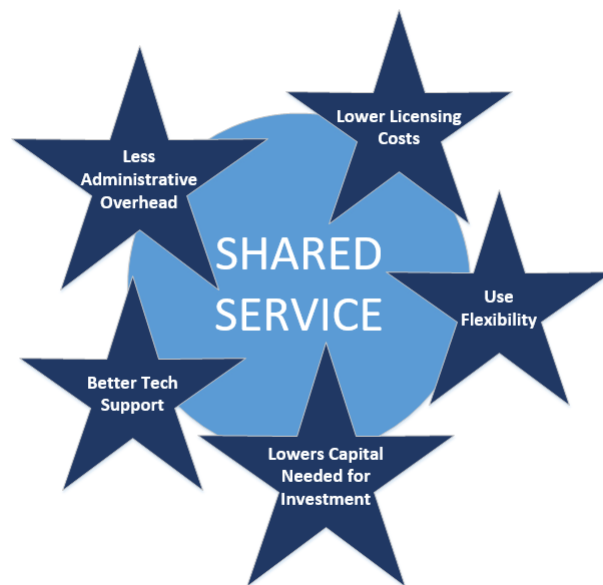
FOIA processing solutions currently in use at DHS are not interoperable, leading to the duplication of administrative work.

The Capabilities Analysis Report includes several key requirements that will assist the Department in better serving requesters, strengthening public trust in the Department's actions, and fostering greater public participation in agency decision-making. One of the key requirements for this system is a FOIA requester interface, which allows requesters to submit requests directly into the system and retrieve records electronically. That feature alone will significantly reduce the administrative burden associated with FOIA. Including this feature in the Department's enterprise-wide FOIA processing solution will enable DHS FOIA professionals to spend less time on administrative tasks like data entry and devote more of

their attention to complex processing issues. These features will also eliminate the need to create CDs to transmit electronic records to requesters.

Another key requirement is integrating advanced e-discovery tools in the DHS enterprise-wide FOIA processing solution, which will enable the de-duplication of records and harness the power of Artificial Intelligence to detect information that should not be released. Having a tool that highlights sensitive information for DHS FOIA officers will increase the speed and accuracy of processing, enable the Department to release more records that shed a light on our operations, and better protect the critical interests protected by FOIA, including personal privacy. DHS highlighted the successful use of e-discovery tools to improve the FOIA process in its 2019 Chief FOIA Officer Report, which cites the successful use of e-discovery tools by the DHS Privacy Office and several DHS Components to cull and de-duplicate records, thread e-mails, and narrow large record sets based on key terms. Currently, the DHS Privacy Office and Components use a variety of methods to access these tools, including purchasing costly licenses and paying for usage by other agencies and offices that have these tools. Incorporating e-discovery tools into the enterprise-wide FOIA processing solution ensures all Components that participate in the system have access to these tools when they need it and allows the Department to leverage the tools to assist with other information management needs across the Department.

The final key requirement is interoperability with other FOIA processing solutions currently in use at the Department. This interoperability will allow the Department to eliminate the duplication of efforts involved with referrals and consultations across the Department – allowing DHS FOIA professionals to focus their efforts on processing requests. The increase in the Department’s backlog at the end of FY 2019 highlights the critical importance of interoperable FOIA processing solutions across the Department. The DHS Privacy Office’s ability to coordinate Component-led surge efforts and mitigate the effects of these efforts on other Components benefits the Department overall. In addition to ensuring that FOIA processing solutions in use at DHS are interoperable, the DHS Privacy Office continues to work to reduce the number of solution in use at the Department. This will ensure that DHS has reliable and up-to-date information regarding FOIA needs and can move resources appropriately to meet these needs. In addition to leading to better internal management, reducing the number of solutions will improve confidence in the annual FOIA statistics publicly reported to DOJ and available via FOIA.gov. These numbers are regularly used by Congress, the news



Sharing technology services benefits the Department by reducing costs and improving services.

media, researchers, and the general public to measure DHS's FOIA performance. Additionally, increasing the number of Components using the enterprise-wide solution will allow the Department to better understand and compare information that flows through the Department's FOIA offices. This will enable the DHS Chief FOIA Officer to highlight potential inconsistencies in the ways that the agency is measuring, storing, reporting, and using its information. The DHS Privacy Office will act as an early alarm system for DHS leadership to these issues and ensure the agency is able to address efficiently address inconsistencies.

The DHS FOIA Council Technology Committee is also looking at opportunities to share resources across Components. Technological tools can be prohibitively expensive for Components, particularly smaller Components that have less FOIA demands. Additionally, Components might only occasionally need access to a tool that requires a large investment and annual upkeep costs. Sharing these resources saves the agency valuable resources and reduces the administrative work required for Components to identify, procure, and maintain their own tools.

Finally, the DHS Privacy Office will continually look for methods to improve operations and recognize and reward innovations that improve operational efficiency. Our employees bring a wealth of insight and experiences to DHS FOIA operations and often make suggestions that improve our processes. In 2019, the DHS Privacy Office presented the 2019 Sunshine Award for Exceptional Service by a FOIA Professional at the General Schedule GS-7 or GS-9 level to an employee who proposed, developed, and implemented a new process that significantly decreased the FOIA team's dependence on an external database; this innovation saved OBIM significant processing time and contributed to keeping OBIM's backlog at a very low level. The DHS Privacy Office will continue to welcome new ideas and innovations and recognize employees for their contributions.

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

CBP:

- Evaluated new video redaction software in order to effectively handle audio and video footage responsive to FOIA requests.

FEMA:

- Explored the use of e-discovery tools to facilitate the efficient review of records.

FLETC:

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

I&A:

- Used the technology supplied by “electronic document review” (EDR) technology to review, catalogue and process the thousands of potentially responsive e-mails retrieved from expanded searches.

ICE:

- Used a COTS product to track, manage, and process all incoming FOIA requests. The ICE FOIA Office utilizes a 100 percent electronic workflow and all files are stored in this manner.
- Utilized e-discovery software to narrow large record sets to only responsive material which in turn created efficiencies and cost savings to the government.
- Explored the use of audio/video redaction software.

OIG:

- Leveraged an eDiscovery platform to handle voluminous requests or requests involving employee e-mails. The platform can process 90 percent of files into images, allowing for redaction overlays. Additionally, with fields available for coding Relativity is also capable of processing records for a litigation and can be leveraged to assist in the production of a Vaughn Index.

S&T:

- Used Maxshare.gov to send large files for final responses, consults, submitter notices, etc.

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.

USCIS:

- Announced in July of 2019, the completion and launch of its end to end digital processing system, FIRST. Previously, USCIS only accepted FOIA requests by mail, fax, and email, and requestors typically received their documents on a compact disc by mail. Now, FOIA requestors can create an online USCIS account to submit and receive documents digitally, eliminating the time and expense associated with receiving and sending requests by mail. USCIS has surpassed its initial estimates of a reduction in processing times of seven minutes per case, and now sees reductions in processing times per case of 22.5 minutes. This digital request, management, and delivery process will save time, improve efficiency, and eliminate potential errors that can occur with manually handling paper.
- Provided the Significant Interest Group with an update to an e-discovery tool, which is being used to narrow the size of responsive records received from USCIS offices by eliminating duplicates and records that are non-responsive. The software provides a

mechanism by which key-word searches can be applied in one filter to thousands of digital documents simultaneously. This process allows a FOIA processor to cull out records that are non-responsive, reducing the amount of time it takes to review documents. The significant time that is saved by reducing the volume of records to a more manageable amount, allows processors to devote time to processing and providing a timely response to the requester.

USSS:

- Explored implementing technology that will allow requesters to upload their own FOIA requests and receive their documents directly, which will significantly reduce the administrative burden. USSS anticipates having this functionality in place by March 2020.
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. Optional -- Please describe:

- Best practices used in greater utilizing technology
- 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:

- Used an Analytical Framework for Intelligence (AFI)¹⁰ system to perform searches for multiple requests in batches, eliminating the need for staff to search each request individually.
- Used a script to automate redactions and apply them to non-releasable fields for certain types of routine requests, decreasing the average time of redacting each page.

ICE:

- Utilized an e-Discovery tool to cull, de-duplicate records, thread e-mails, and narrow large record sets based on key terms derived from the FOIA request.
- Served on the DHS FOIA Technology Committee, which explores technological gaps across the Department and works to utilize the committee's knowledge and expertise to identify solutions to assist with those areas.

USCIS:

- Noted that while its e-discovery tool is effective in reducing the number of potentially responsive records that must be processed by eliminating duplicates and applying key word searches, litigants have been requesting the technology to be used as an additional research tool in litigation to allow Plaintiffs to prioritize their productions, rather than narrow the potentially responsive tranche of records. When permitted by the courts, using e-discovery in this fashion typically lengthens the time to process a FOIA request.

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 of your Chief FOIA Officer Report 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 the numbers contained in the specified sections of your agency's 2019 Annual FOIA Report and, when applicable, your agency's 2018 Annual FOIA Report.

Simple Track Requests:

¹⁰ 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>.

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 2019, the Department received 400,246 FOIA requests, as compared to 395,489 in FY 2018. DHS closed 429,799 requests in FY 2019 as compared to 374,945 in FY 2018. The Department closed 177,864 simple perfected requests in FY 2019, a slight increase compared with the 173,680 closed in FY 2018. DHS closed 463,004 complex perfected requests in FY 2019, a 150 percent increase compared with the 179,280 closed in FY 2018.

2. If so, for your agency overall, for Fiscal Year 2019, 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 FY19 as Reported in FY19 Annual Report

Component	Simple			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	36	53	0	858
CISA	5	7	0	20
FEMA	4	7	1	20
FLETC	14	39	1	2+3
I&A	3	4	0	16
ICE	1	8	0	605
OIG	7	8	0	20
PRIV	17	15	0	20
S&T	1	3	0	16
TSA	3	6	0	20
USCG	11	10	0	64
USCIS	21	42	1	731
USSS	13	12	0	20
AGENCY OVERALL	17	33	1	848

No; as Table 2 indicates, in FY 2019 DHS processed simple requests in an average of 33 days. Ten of the 13 components processed simple cases in less than 20 days, with seven components processing simple requests in less than 10 days. The average processing time for simple requests in FY 2019 at the remaining three components ranged from 29 days to a high of 53 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2019 that were placed in your simple track.

Simple cases comprised 28 percent of the requests closed by DHS in FY 2019.

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 2018 and Fiscal Year 2019 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 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

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	6,660	10,466
CISA	167	157
FEMA	212	317
FLETC	9	6
I&A	9	18
ICE	1,332	1,493
OIG	167	132
PRIV	511	1,379 ¹¹
S&T	30	20
TSA	757	834
USCG	1,586	1,379
USCIS	44,268	14,773
USSS	1,202	480
AGENCY OVERALL	56,910	31,454

¹¹ OBIM backlog was incorporated with PRIV starting in FY 2019.

Yes; as shown in Table 3, DHS ended FY 2019 with a backlog of 31,454 requests— a decrease of 44 percent compared to the backlog of 56,910 requests in FY 2018.

6. If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?

In FY 2019, DHS once again surpassed the record-setting number of requests processed in FY 2018, processing 429,799 requests – a 15 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 comprehensive backlog strategy. The strategy will address the DHS FOIA program's work to improve service to the public and Department, undergird the FOIA regulatory and policy framework, invest in the FOIA workforce, and address long-standing FOIA IT challenges. Ultimately, the DHS FOIA Backlog Reduction Plan will improve service to the public and the Department, modernize the FOIA IT infrastructure, improve FOIA workforce engagement, and strengthen the FOIA regulatory and policy framework.

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

CBP:

- Was not able to process requests during the government shutdown from December 22, 2018, to January 25, 2019.
- Received more requests for information about border-related apprehension.
- Is engaged in numerous FOIA litigations. In order to meet these court-ordered processing obligations, it has become necessary to dedicate numerous staff to processing records for this set of requests.

- Put in place a contract for litigation-specific contractors to reduce the burden on staff. However, due to a lengthy background investigation process, as of December 2019, CBP was only been able to fill 13 of the 36 allowed positions.

CISA:

- Experienced a loss of staff.

FEMA:

- Received an influx of requests due to high-profile statements from the President regarding FEMA-related activities.

FLETC:

- Received requests seeking e-mails, which tended to produce a voluminous amount of records.
- Experienced a loss of staff in FY 2019; however, the position has been back-filled for FY 2020.

ICE:

- Received requests at a rate that exceeded the resources available to complete the work. The increase in backlog was attributed to by staffing vacancies, an increase in the complexity of requests received, and a nearly 76 percent increase in the number of requests received.

OBIM:

- Experienced a significant loss of staff and increase in number of requests received compared to previous years.

TSA:

- Was not able to process requests during the government shutdown from December 22, 2018, to January 25, 2019.

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 2019. If your agency has no request backlog, please answer with “N/A.”

In FY 2019 only eight 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 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

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	17
FEMA	5	6
FLETC	1	2
ICE	1	4
OIG	5	5
PRIV	109	51
TSA	5	1
USCG	14	16
USCIS	75	200
USSS	9	2
AGENCY OVERALL	242	304

No; as shown in Table 4, the backlog of administrative appeals increased from 242 in FY 2018 to 304 in FY 2019 – an increase of 26 percent.

10. If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal Year 2018?

Yes; In FY 2019 DHS processed 6,241 administrative appeals, an increase of 17 percent compared to the 5,327 appeals processed in FY 2018.

11. If your agency's appeal backlog increased during Fiscal Year 2019, 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.

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

CBP:

- Experienced an increase in the number of incoming appeals and the complexity of the requests received, including more appeals for large data sets related to apprehensions and seizures.

FEMA:

- Received a number of requests related to new initiatives like the Sheltering and Temporary Essential Power (STEP) program, which required additional time to consider.

FLETC:

- Experienced a loss of staff and an increase in voluminous requests.

USCG:

- Was not able to work during the government shut down.
- Experienced the loss of the staff member dedicated to processing FOIA appeals.

USCIS:

- Received an increase in the number of appeals received.
- Lost the services of a member of the staff who was deployed on an ICE detail for 45 days.

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 2019. If your agency did not receive any appeals in Fiscal Year 2019 and/or has no appeal backlog, please answer with "N/A."

The FY 2019 backlog of administrative appeals accounts for five percent of the administrative appeals received by DHS.

Backlog Reduction Plans:

13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2018 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 2019?

The DHS backlog decreased in FY 2019 compared to FY 2018. The DHS Privacy Office took several aggressive actions to assist Components with processing issues and reduce the backlog. Specifically, the DHS Privacy Office took over responsibility for logging in requests at TSA after it lost contract support, enabling TSA FOIA processors to focus efforts on more complex tasks and responding to requests. The DHS Privacy Office also assisted

OBIM intake efforts and assisted with processing more than 10,000 requests and closed almost 8,000 CBP requests before the end of FY 2019.

Past Component-led efforts to address the backlog have had short-term benefits, but a lack of central coordination leads to the backlog increase at other Components. For example, the surge in processing in FY 2019 at USCIS contributed to a build-up of about 60,000 referrals at ICE that were not logged in before the end of FY 19. ICE has a contract in place to handle these referrals in FY 2020. The DHS Privacy Office continues to work to improve the coordination of backlog reduction efforts and improving the DHS Privacy Office's ability to plan for future challenges by clarifying the Chief Privacy Officer's role and authorities. Specifically, the DHS Privacy Office is working to use its authorities to improve the quality of DHS-specific training, ensure consistency in disclosures, and increase compliance.

The DHS Privacy Office also continues to develop strong working relationships with Component FOIA Officers. Additionally, the DHS Privacy Office continues to provide informal assistance in ensuring Component FOIA Officers have the required experience and expertise to successfully execute their duties and coordinate their programs' management to align with DHS's strategic priorities, and is looking for opportunities to institutionalize this engagement. Additionally, the DHS Privacy Office will continue to use the DHS FOIA Council to solicit input from Component FOIA Officers and earn buy-in on strategic decisions. As previously noted, the Council Charter gives Council members the responsibility for setting the strategic agenda for Council activities, including identifying common interests or common needs of the FOIA community and setting goals and performance measures. Additionally, the Council Charter provides the Chair with the responsibility to provide directions and final decisions on all FOIA issues before the Council after discussion, and to seek to resolve or mitigate any concerns or objections before final decisions are made.

Component backlog reduction plan implementation efforts are described below.

CBP:

- Collaborated with the DHS Privacy Office to create a tiger team to process simple traveler requests.
- Used contract support to relieve FOIA staff of triage duties, enabling FOIA staff to focus mainly on processing.
- Added six new Government Information Specialist positions to the staff.
- Allowed FOIA staff to work overtime.
- Reduced the year-end backlog by nearly 35 percent compared to the backlog count at the end of the Government shutdown.

ICE:

- Utilized its existing contract support to supplement processing productivity.

- Leveraged a contract vehicle from the DHS Privacy Office for additional processing assistance.
- was not able to reduce its backlog as the rate of incoming requests exceeded the available resources able to complete the work. The increase in requests was amplified by staffing vacancies, an increase in the complexity of requests received, the current political climate involving immigration matters. These factors led to a nearly 76 percent increase in the number of requests received in FY 2019 from the year prior, thus increasing the backlog.

OBIM:

- Continuously monitored process for inefficiencies and implemented changes accordingly.

TSA:

- Targeted certain years of requests for processing and closure.

USCG:

- Provided more information guides on how to process requests via an online portal for processors to use.
- Routinely reached out to offices with overdue and/or soon-to-be overdue requests to either obtain the close out information, obtain the processor's plan on how or when the request would be closed, and to provide any information or resources necessary to quickly close out requests.

USCIS:

- Awarded a second backlog reduction contract. The contract has failed to achieve full staffing levels, resulting in production short falls. Also awarded a third backlog contract on September 26, 2019.
- Processed more than six million pages of documents during authorized overtime.

USSS:

- Successfully reduced the backlog from about 1,200 at the end of FY 2018 to about 450 in FY 2019 – a reduction of 60 percent. USSS accomplished this by motivating current staff to produce at a higher level, utilizing technology to its greatest capacity, and implementing process improvements. USSS FOIA undertook a comprehensive review of the FOIA process to identify redundancies and inefficiencies and streamlined the process by identifying and removing bottlenecks and work stops for the staff. This work involved evaluating staff strengths and reorganizing the staff as necessary to increase work flow and production.

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

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 comprehensive backlog strategy. The strategy will highlight actions to improve the FOIA program's service to the public and the Department, invest in the FOIA workforce, undergird the regulatory and policy framework, and modernize the FOIA IT infrastructure. Component plans to reduce the backlog are described below.

CBP:

- Will advocate for additional positions and increased overtime allowance.
- Will continue to use contract staff and temporary duty employees to assist with processing requests.
- Will continue to work with the vendor of the FOIA office's FOIA tracking service to improve its functionality.

ICE:

- Plans to onboard employees selected to fill vacancies throughout the office.
- Will advocate for more resources and staff to keep up with the annual increase in requests received.
- Intends to utilize its contract support.

OBIM:

- Will attempt to maintain full staffing levels and continue to identify ways to streamline the process.

USCG:

- Will provide requesters with more information online about what records are available, how to create well-crafted requests, and responding to questions and concerns requesters.
- Will communicate more with the FOIA staff throughout the agency with additional updates on available FOIA and Record Management opportunities, and FOIA policy updates by using technology.

USCIS:

- Will award an additional backlog reduction contract, meaning USCIS will have two backlog contracts running concurrently during FY 2020.
- Will fill existing personnel vacancies.
- Will continue automation improvements. FIRST automates portions of the current FOIA workflow increasing timeliness in the processing of cases end to end. FIRST also utilizes a public-facing electronic request portal and private electronic reading rooms for timely responsive records delivery.

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 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

Ten Oldest Requests:

15. In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Table 5. Ten Oldest Pending Requests as Reported in the 2018 Annual FOIA Report

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	2015-04-13	2015-03-10	2015-02-25	2015-02-03	2015-02-20	2014-12-23	2014-11-10	2014-11-07	2014-04-01	2014-01-30
	Number of Days Pending	736	895	903	918	929	918	972	975	1128	1020
FEMA	Date of Receipt	2016-12-14	2016-11-02	2016-09-02	2016-05-11	2016-04-14	2016-03-17	2015-11-09	2015-10-05	2015-03-31	2014-05-09
	Number of Days Pending	450	478	519	599	618	638	725	749	880	1,089
FLETC	Date of Receipt	2018-09-04	2018-08-30	2018-08-29	2018-08-20	2018-07-11	2018-07-11	2018-06-22	2018-04-26	2018-03-27	2018-02-13
	Number of Days Pending	19	22	23	30	58	58	71	112	134	164
I&A	Date of Receipt	2018-08-27	2018-08-09	2018-08-08	2018-08-06	2018-07-25	2018-07-25	2018-07-09	2018-04-16	2017-09-05	2017-02-23
	Number of Days Pending	23	35	36	38	46	46	58	116	268	403

ICE	Date of Receipt	2017-03-09	2017-03-03	2017-03-03	2017-03-03	2017-02-21	2017-02-08	2017-01-31	2017-01-31	2017-01-31	2016-12-12
	Number of Days Pending	393	397	397	397	405	408	419	419	419	452
CISA	Date of Receipt	2016-11-08	2016-10-26	2016-10-04	2016-10-04	2016-05-12	2016-06-14	2016-05-26	2016-05-26	2016-02-17	2015-11-06
	Number of Days Pending	474	483	498	498	556	579	588	588	659	726
OIG	Date of Receipt	2016-03-30	2015-07-29	2015-07-29	2015-06-08	2015-06-01	2015-05-28	2015-03-04	2015-01-30	2014-12-17	2014-10-01
	Number of Days Pending	629	796	796	832	837	839	899	921	950	1002
PRIV	Date of Receipt	2016-07-11	2016-07-05	2016-06-29	2016-06-28	2016-06-28	2016-06-13	2016-05-31	2016-01-21	2015-10-08	2014-11-04
	Number of Days Pending	558	562	565	566	566	577	586	677	746	985
S&T	Date of Receipt	2018-07-13	2018-07-17	2018-07-06	2018-04-13	2018-04-13	2018-04-13	2018-03-30	2018-02-16	2017-12-13	2017-10-04
	Number of Days Pending	54	58	58	98	98	98	133	156	200	247
TSA	Date of Receipt	2014-01-14	2014-01-03	2013-12-11	2013-11-06	2013-11-01	2013-10-18	2013-09-18	2013-08-07	2013-03-13	2013-03-13
	Number of Days Pending	1,183	1,190	1,204	1,227	1,230	1,240	1,250	1,279	1,382	1,382
USCG	Date of Receipt	2011-11-21	2011-12-14	2011-11-02	2011-09-22	2011-09-22	2011-10-12	2011-09-23	2011-09-21	2011-08-30	2011-06-15
	Number of Days Pending	1688	1692	1720	1728	1728	1735	1747	1749	1764	1820
USCIS	Date of Receipt	2017-01-19	2017-01-18	2017-01-17	2017-01-11	2017-01-10	2017-01-10	2016-12-12	2016-11-21	2016-11-08	2016-10-07
	Number of Days Pending	416	425	426	430	431	431	451	465	474	497
USSS	Date of Receipt	2013-03-25	2013-03-18	2013-03-11	2013-02-22	2013-01-22	2013-01-18	2012-11-06	2012-10-05	2012-04-17	2012-04-17
	Number of Days Pending	1,386	1,391	1,391	1,429	1,429	14,300	1,479	1,515	1,620	1,620
AGENCY OVERALL	Date of Receipt	2011-11-21	2011-12-14	2011-11-02	2011-09-22	2011-09-22	2011-10-12	2011-09-23	2011-09-21	2011-08-30	2011-06-15
	Number of Days Pending	1688	1692	1720	1728	1728	1735	1747	1749	1764	1820

Yes.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

N/A

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

With input from the DHS FOIA Council, the DHS Privacy Office developed performance metrics for Component FOIA programs in January 2019. These metrics set a baseline for expectations and assist Components in identifying resource gaps. In addition to addressing the number of requests processed and pages released, the metrics also require Components to substantially reduce the percentage of the backlog that is more than 200 days old. A one-pager capturing Component performance against these metrics is sent to Component FOIA Officers and circulated at the Chief of Staff level on a monthly basis.

At the end of FY 2019, requests more than 200 days old accounted for 18 percent of the DHA FOIA backlog.

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

CBP:

- Set up trainings and meetings with program offices to emphasize the importance of responding to older requests.

I&A:

- Incorporated closing cases from the backlog into work priorities.

TSA:

- Assigned the same types of request with the same subject matter to a particular analyst to ensure uniformity in processing and increase closures.
- Identified simple cases that could be processed quickly.
- Formed teams to tackle older requests by sending still interested letters and resolving processing issues.
- Formed teams to process voluminous requests.

USCG:

- Provided quarterly reports to all units and offices with all open requests for them to provide the current status of those requests.
- Assisted offices, whenever possible, in coming up with ways to quickly respond to open requests.

USCIS:

- Assigned a senior Government Information Specialist to review outstanding cases and work to resolve the particular issues delaying processing of pending cases.

USSS:

- Met one-on-one with processors to discuss and address processing challenges, especially for older cases.
- Continued filling vacant positions and advocating for new positions.
- Offered overtime to address the backlog with the focus on the oldest cases in each processor's queue.
- Focused efforts on the oldest pending cases
- Conducted a case-by-case review of all requests pending over 1,000 days.
- Incorporated a requirement of closing old requests into FOIA staff performance plans. FOIA analysts were also required to prepare weekly reports outlining their processing plans for the upcoming week.
- Used technology to reduce the number of non-responsive and duplicate records produced by the search that otherwise would have required a manual review. This freed up time for FOIA staff to focus on redacting records.

Ten Oldest Appeals:

18. In Fiscal Year 2019, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Table 6. Ten Oldest Pending Appeals as Reported in the 2018 Annual FOIA Report

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	2018-02-06	2017-12-20	2017-10-02	2017-09-05	2017-07-17	2017-07-10	2017-06-15	2017-04-26	2017-02-13	2016-07-14
	Number of Days Pending	164	195	249	260	303	308	324	359	410	555
FEMA	Date of Receipt	N/A	N/A	N/A	2018-09-27	2018-09-20	2018-08-15	2018-05-31	2018-05-22	2018-04-03	2018-04-02
	Number of Days Pending	N/A	N/A	N/A	1	8	32	84	89	126	131
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2018-07-16
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	77
ICE	Date of Receipt	2018-09-17	2018-09-14	2018-09-14	2018-09-13	2018-09-10	2018-09-10	2018-09-10	2018-09-10	2018-09-07	2018-08-31
	Number of Days Pending	215	220	220	220	220	225	227	235	238	253
PRIV	Date of Receipt	2018-01-30	2018-01-12	2018-01-08	2018-01-08	2017-11-30	2017-11-08	2017-11-01	2017-10-31	2017-10-27	2017-10-12

	Number of Days Pending	175	180	185	201	209	223	228	229	231	242
OIG	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2018-09-21
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5
TSA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	2018-08-21	2018-08-23	2018-08-20	2018-08-09	2018-06-19
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	27	28	31	38	80
USCG	Date of Receipt	2018-01-10	2017-10-07	2017-10-05	2017-09-13	2017-09-13	2017-09-13	2017-01-17	2016-10-18	2015-09-03	2014-06-06
	Number of Days Pending	182	244	246	262	262	262	429	789	770	1083
USCIS	Date of Receipt	2017-01-31	2017-01-18	2017-01-17	2017-01-11	2017-01-10	2017-01-10	2016-12-12	2016-11-21	2016-11-08	2016-10-07
	Number of Days Pending	416	425	426	430	431	431	451	465	474	496
USSS	Date of Receipt	2018-09-10	2018-08-03	2018-07-27	2018-07-27	2018-01-08	2018-01-08	2018-01-08	2018-01-08	2018-01-08	2018-01-08
	Number of Days Pending	14	39	44	44	184	184	184	184	184	184
AGENCY OVERALL	Date of Receipt	2017-01-10	2017-01-10	2016-12-12	2016-11-21	2016-11-08	2016-10-07	2016-07-14	2016-10-18	2015-09-03	2014-06-06
	Number of Days Pending	431	431	451	465	474	496	555	789	770	1083

No. One of the ten oldest pending appeals listed in the FY 2018 Annual Report was not closed by the end of FY 2019. Ten of thirteen Components closed all of the 10 oldest pending appeals reported in the FY 2018 Annual Report, and overall Components closed 84 percent of these appeals before the end of FY 2019.

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

Please see Table 6.

20. 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:

- Set up meetings with program offices to emphasize the importance of responding to older appeals.

TSA:

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

USCG:

- Reviewed and reorganized simple and complex appeals for the appropriate processing tracks.
- Met with the legal office to obtain same day legal review of appeals and coordinated with legal to process the initial requests that were appealed for non-response.

Ten Oldest Consultations:

21. In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 201 Annual FOIA Report?

Table 7. Ten Oldest Pending Consultations as Reported in the 2018 Annual FOIA Report

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	2017-12-28	2017-12-27	2017-11-20	2017-11-16	2017-10-16	2017-10-11	2017-08-15	2016-06-30	2015-10-27	2014-08-14
	Number of Days Pending	197	198	225	227	250	253	294	587	736	1037
CISA	Date of Receipt	2017-02-14	2017-02-01	2017-01-06	2017-01-05	2017-01-05	2016-11-12	2016-11-03	2016-10-26	2016-10-11	2016-09-12
	Number of Days Pending	409	48	435	436	436	465	477	483	494	514
FEMA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
I&A	Date of Receipt	N/A	N/A	2018-10-01	2018-08-08	2018-07-13	2018-06-27	2018-06-27	2017-12-01	2017-02-10	2016-04-18
	Number of Days Pending	N/A	N/A	18	66	84	95	95	228	441	646

Component	Sub-Row Heading	10th	9th	8th	7th	6 th	5th	4th	3rd	2nd	Oldest Request
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	2017-05-15	2017-05-15	2017-05-15
	Number of Days Pending	346	346	346	346	346	346	346	346	346	346
OIG	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2018-03-28
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	159
PRIV	Date of Receipt	2018-09-12	2018-08-16	2018-07-24	2018-06-26	2018-06-19	2018-05-11	2018-05-08	2018-03-13	2017-09-01	2017-08-22
	Number of Days Pending	12	30	47	68	71	97	112	140	269	277
S&T	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TSA	Date of Receipt	2018-08-30	2018-08-06	2018-07-12	2017-08-22	2016-06-13	2016-06-01	2015-12-18	2015-12-18	2015-03-18	2014-06-24
	Number of Days Pending	20	38	55	277	577	585	698	698	889	1071
USCG	Date of Receipt	2015-09-17	2015-08-20	2015-07-23	2015-06-17	2015-05-28	2015-04-03	2015-04-01	2015-01-13	2015-01-13	2013-06-20
	Number of Days Pending	761	780	800	825	839	877	879	933	933	1312
USCIS	Date of Receipt	2018-01-03	2017-12-08	2017-11-20	2017-10-02	2017-10-02	2017-09-11	2017-09-08	2017-08-16	2017-04-27	2017-02-15
	Number of Days Pending	186	203	216	249	249	264	266	282	358	406
USSS	Date of Receipt	2013-09-03	2013-05-16	2013-05-02	2013-04-05	2013-04-05	2013-03-14	2013-03-14	2013-03-14	2013-03-11	2013-02-13
	Number of Days Pending	1273	1348	1358	1377	1377	1393	1393	1393	1396	1413
AGENCY OVERALL	Date of Receipt	2013-09-03	2013-05-16	2013-05-02	2013-04-05	2013-04-05	2013-03-14	2013-03-14	2013-03-14	2013-03-11	2013-02-13
	Number of Days Pending	1273	1348	1358	1377	1377	1393	1393	1393	1396	1413

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

N/A

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

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

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

CBP:

- Faced obstacles due to the complexity and sensitivity of the documents and the volume of requests received.

CISA:

- Lacked sufficient staff to handle increased volume of requests received.

FLETC:

- Lost staff and institutional knowledge.

FEMA:

- Experienced delays in the consultation process.

ICE:

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

OIG:

- Had cases that involved classified records or multiple consultations.

S&T:

- Had insufficient staff to handle the volume of requests.

TSA:

- Faced a voluminous amount of records associated with these requests.

USCG:

- Requires extensive legal review and relies on responses from program offices.
- Requires input from external law enforcement agencies on the oldest consultations.

USCIS:

- Experienced an increase in the number of appeals and the deployment of appeals staff as part of the DHS surge, which negatively impacted the appeals backlog.

USSS:

- Processes requests involving records that are complex and sensitive, involve a voluminous amount of data, and must consult with USSS program offices regarding many requests.

24. 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.

25. 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 2020.

FLETC:

- Will have new staff assist in closing out the remaining FOIA requests from FY2019.

I&A:

- Incorporated closing cases from the backlog into work priorities.

ICE:

- Implemented a plan to address the 10 oldest requests involving bi-weekly reporting to FOIA management. The office will also utilize an e-discovery tool to deduplicate and thread e-mail strings on large record sets when possible.

TSA:

- Has processed the two remaining consultations and is currently going through legal review before closing the requests.

USCG:

- Contact the agencies to see if information/review is still required. Follow up with action offices to finalize responses.

USCIS:

- Trained multiple members of Office of Chief Counsel staff as FOIA approvers to assist with closing pending appeals and filled a vacant position to approve appeals.

USSS:

- Hire additional personnel.
- Continue to have the processors focus on their oldest cases.
- Offer overtime with a focus on the 10 oldest.

III. Spotlight on Success

- USCIS significantly increased its processing productivity and drastically reduced its backlog in FY 2019 – the number of requests processed by USCIS surged 20 percent and its backlog was reduced by 67 percent compared to FY 2018. This success was due to a notable investment in contract support and the deployment of a FOIA tracking and processing solution called FIRST (FOIA Immigration Records SysTem). The system gives the public the ability to submit requests online and receive responses digitally. USCIS reports that deployment of FIRST led to a 12 percent increase in processing efficiency and 25 percent increase in efficiency of the approval process.
- USSS FOIA undertook a comprehensive review of the its FOIA process to identify and eliminate redundancies and inefficiencies. This was done by evaluating staff strengths and reorganizing the staff as necessary to increase work flow and production. Additionally, a bi-weekly staff meeting was implemented to provide updated training and foster better communication within the FOIA staff. As a result, the FOIA office was able to reduce the backlog from a 5-year high of 1,314 requests in FY2018 to 510 in FY 2019, a 61% reduction.
- In FY 2019 DHS made a notable investment in expanding FOIA training opportunities for DHS FOIA professionals. The DHS Privacy Office arranged several training opportunities tailored to DHS FOIA processes and opened seats for Component employees at each training session. These training opportunities included the 2019 Sunshine Week FOIA Training Summit, which was held in collaboration with the Department of the Treasury. The Summit, which was attended by about 170 FOIA professionals, provided tailored training on DHS-specific topics and encouraged the exchange of best practices. Training materials from the Summit and other training opportunities were made available to all DHS staff on a newly-created DHS FOIA Employee Resources page via DHSCConnect, the Department's intranet site.

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 and of Defense.

Office of the General Counsel (OGC) integrates approximately 1,800 attorneys from throughout the Department into an effective, client-oriented, full-service legal team. OGC

comprises a headquarters office with subsidiary divisions and the legal programs for eight Department components.

Office of 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.

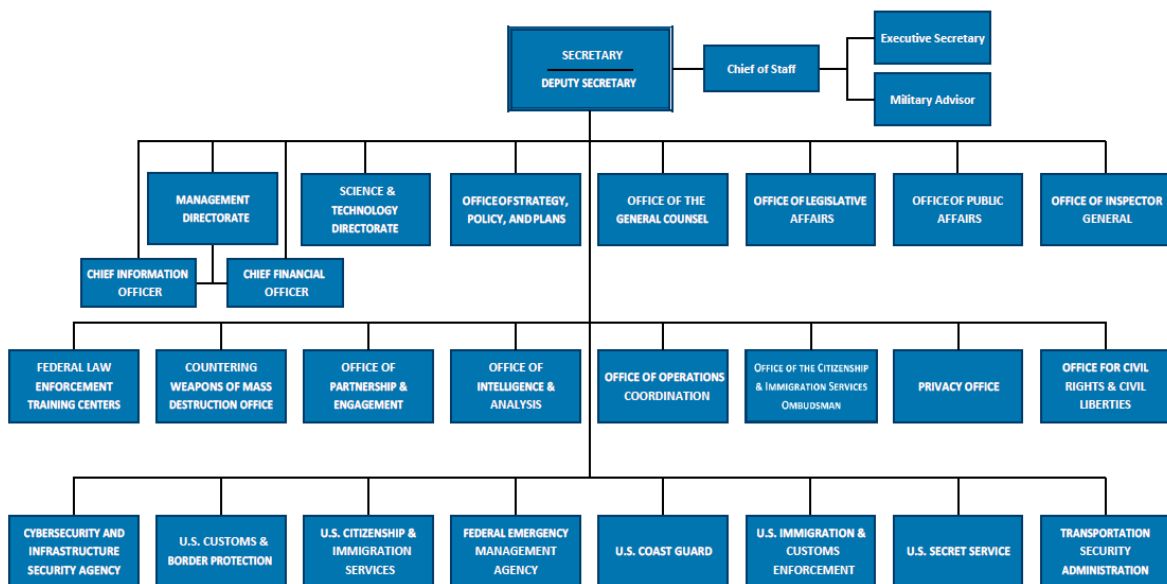
United States Coast Guard (USCG) is one of the five armed forces of the United States and the only military organization within the Department of Homeland Security. The Coast Guard protects the maritime economy and the environment, defends our maritime borders, and saves those in peril.

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 Chart

U.S. Department of Homeland Security



APPENDIX C: Acronyms, Definitions, and Exemptions

1. Agency-specific acronyms or other terms

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

2. Definition of terms, expressed in common terminology

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

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

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

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

- n. **Perfect Request** – A request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – A request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – The lowest and highest number of days to process requests or administrative appeals
- q. **Time Limits** – The time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a perfected FOIA request).

3. Concise descriptions of FOIA exemptions:

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

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

Department of Homeland Security Chief FOIA Officer

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
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Department of Homeland Security Component FOIA Officers

Privacy Office
Jimmy Wolfrey
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245 Murray Lane, SW, Mail Stop 0655
Washington, DC 20528-0655

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