



Department of Homeland Security

Privacy Office

2015 Chief Freedom of Information Act Officer Report
to the Attorney General of the United States

March 2015



Homeland
Security

Message from the Chief Freedom of Information Act Officer

I am pleased to present the Department of Homeland Security's (DHS or Department) *2015 Chief Freedom of Information Act (FOIA)¹ Officer Report to the Attorney General of the United States*. The Report summarizes the Department's accomplishments in achieving its strategic goals related to transparency, openness, and implementing FOIA from March 2014 through March 2015.



The DHS leadership continues to be dedicated to the Department-wide success of the FOIA program, including each Component FOIA program.

The Privacy Office, which is responsible for policy and execution of the DHS FOIA program, meets regularly with DHS leadership to ensure continued emphasis is placed on FOIA training, backlog reduction, closure of the agency's ten oldest requests, consultations and appeals, and to ensure that the DHS FOIA workforce has the resources required to keep the FOIA programs running efficiently to meet the President's Open Government goals.

In furtherance of these priorities, the Department continues to modernize its FOIA operations in order to address one of my top priorities — reducing the FOIA backlog. Modernizing operations has also resulted in other benefits. For example, the DHS Privacy Office deployed a consolidated [web-based form](#) on its public facing FOIA website that enables requesters to submit their requests to the Department and its Components. In addition, the website explains how to submit a request and provides a link on the site's index page so requesters can [check the status](#) of their requests.

The DHS Privacy Office and many of the Component FOIA Offices deployed an electronic monitoring, tracking, and redacting commercial off-the-shelf (COTS) web application solution to streamline the processing of requests and appeals under FOIA and the Privacy Act of 1974 in 2011.² As a result of implementing the application, DHS continues to see numerous benefits such as: (1) increased productivity; (2) enhanced accuracy in reporting statistics, tracking cases, and better data integrity; and (3) improved interoperability and standardization of the FOIA process across the Department.

During the reporting period, the DHS Privacy Office increased the COTS functionality to allow for improved document sharing, consultations, and referrals within the system. The DHS Privacy Office became more proficient with the Advanced Document Review, a de-duplication capability that allows FOIA staff to upload e-mail correspondence files and reduce duplicate

¹ 5 U.S.C. § 552.

² 5 U.S.C. § 552a.

correspondence based on a comparison process performed by the application. Additionally, two more Components began using the system, and are now realizing its benefits. Components continued their efforts to foster a more transparent environment by proactively posting over four million pages of information to their websites and engaging in practices that reduced the need for requesters to seek information by submitting FOIA requests.

A word about the backlog: As has been the case for several years, DHS continues to receive the largest number of FOIA requests of any federal department or agency in each fiscal year (FY), receiving almost 30 percent of all requests received by the Federal Government. Since President Obama took office, DHS has experienced a 182 percent increase in the number of FOIA requests received. In fiscal year 2014, DHS received 291,242 FOIA requests, its highest number of requests to date.

The DHS Privacy Office responsible for the oversight of the Department's FOIA program, partnered with U.S. Customs and Border Protection (CBP) to eliminate the CBP backlog in 2015. The DHS Privacy Office used its COTS web application solution to process requests without the need to detail employees to a CBP location. The DHS Privacy Office redirected its staff to process the backlogged CBP requests and also hired three contractors to assist in this reduction effort. The DHS Privacy Office, on behalf of CBP, closed 5,014 requests at the end of FY 2014, which attributes in part to CBP's success story.

Due to the record-setting number of FOIA requests, the DHS backlog increased from 51,575 to 103,480 in fiscal year 2014. Despite the increase in the backlog, the Department closed 16 percent more requests in FY 2014 compared to FY 2013. In addition, 80 percent of the Components had a median processing time under 20 days for the more than 75,687 simple requests. Sixty-seven percent of the Components had average processing times under 20 days for simple perfected closed requests. DHS closed eight of the 10 oldest requests in FY 2014, and 86 percent of the 10 oldest requests for each of the Components combined.

I am proud of the Department's accomplishments and am aware that despite the use of improved technologies and creative initiatives, the Department faces a challenge as the public's interest in the Department and its activities seems to increase every year. My office remains vigilant in our efforts to further transparency.

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

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

Sincerely,



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I. Overview of the DHS FOIA Program

A. Overview of the DHS FOIA Program

The Department's FOIA program began with the establishment of the Department of Homeland Security in 2003. Many of the agencies that were merged into DHS had pre-existing, well-established FOIA operations. Elements of those decentralized operations continue today. Subject to Department-wide FOIA regulations and the policy leadership of the DHS Privacy Office, DHS Components are responsible for establishing and maintaining their own FOIA programs and operationally deciding whether to establish a centralized or decentralized FOIA program at the Component or Directorate level³. Contact information for DHS FOIA Officers is provided in Appendix C.

B. FOIA Operations and the DHS Privacy Office

In accordance with *Executive Order 13392, Improving Agency Disclosure of Information*,⁴ the Secretary of Homeland Security (Secretary) designated the DHS Chief Privacy Officer (Chief Privacy Officer) to serve concurrently as the Chief FOIA Officer to promote efficiency, effectiveness, and statutory compliance throughout the Department. The Chief Privacy Officer leads the DHS Privacy Office and reports directly to the Secretary on both FOIA and privacy matters. On August 29, 2011, the Secretary delegated to the Chief Privacy Officer the authority to develop and oversee the implementation of policies within the Department and, except as otherwise provided by law, carry out the functions of the agency regarding compliance with FOIA, the Privacy Act, and the *E-Government Act of 2002*.⁵

The DHS Privacy Office coordinates Department-level compliance with FOIA by developing Departmental policy to implement important FOIA initiatives, including those set forth in the President's FOIA Memorandum and the Attorney General's FOIA Guidelines of 2009.⁶ Additionally, the DHS Privacy Office coordinates and oversees Component FOIA Office operations, provides FOIA training, and prepares required annual reports on the Department's FOIA performance. The DHS Privacy Office, through its FOIA team, also processes initial

³ The DHS Organizational Chart is provided in Appendix B.

⁴ *Executive Order Number 13392*, Fed. Reg. Volume 70, 75373 (Dec. 14, 2005). The Executive Order's requirement for the establishment of the Chief FOIA Officer position was enacted into law as provisions of the FOIA (5 U.S.C. §§ 552(j), (k)) by the *OPEN Government Act of 2007*, Pub. L. 110-175, 121 Stat. 2524 (Dec. 31, 2007). The Chief Privacy Officer position was established by Section 222 of the *Homeland Security Act of 2002* (Homeland Security Act), 6 U.S.C. § 142 (2002). Section 222 assigns the Chief Privacy Officer responsibilities to ensure that privacy and transparency in government are implemented throughout the Department. These responsibilities are further described on the DHS Privacy Office website: <https://edit.dhs.gov/chief-privacy-officers-authorities-and-responsibilities>.

⁵ Pub. L. 107-347, § 208, 44 U.S.C. § 101 note.

⁶ The President's FOIA Memorandum of January 21, 2009, is available at: http://www.justice.gov/oip/foia_guide09/presidential-foia.pdf. The Attorney General's Memorandum of March 19, 2009, is available at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>.

FOIA and Privacy Act requests to the Office of the Secretary (including the Military Advisor's Office) and many offices within DHS Headquarters.⁷

The Deputy Chief FOIA Officer (DCFOIAO) serves as the Senior Executive Service level advisor to the Chief FOIA Officer and other executive-level leaders throughout DHS, on compliance with FOIA and the Privacy Act, and DHS policies, programs, and agreements that promote adherence to information disclosure principles. The DCFOIAO oversees the development and implementation of Department-wide FOIA/Privacy Act policies and procedures, including internal headquarters procedures, and guidelines based upon new or revised legislation or recommendations. She is also responsible for developing and delivering effective training.

The DCFOIAO ensures full implementation of the FOIA goals and objectives in the DHS Privacy Office's Strategic Plan. Four directors and one manager assist the DCFOIAO:

1. The Senior Director of FOIA Operations provides visibility, leadership, and oversight of DHS FOIA activities and serves as a key adviser to the Senior Executive Service level DHS leaders on Department-wide policies and program objectives on matters that pertain to DHS record disclosure. The Senior Director works closely with senior leadership throughout the Department and functions as an authority on information disclosure matters under the FOIA and Privacy Act and serves as a principal DHS point of contact with other federal, state, and local agencies and private organizations.
2. The Director of FOIA Production and Quality Assurance manages the processing of FOIA and Privacy Act requests for records maintained by DHS Component FOIA Offices, coordinates the processing of FOIA requests to ensure that they are handled consistently throughout the Department, and serves as the DHS Privacy Office FOIA Public Liaison to address FOIA-related customer service issues.
3. The Director of FOIA Improvement addresses the FOIA backlog, trains staff, increases proactive disclosures, and identifies ways to improve the FOIA program at DHS. The Director of FOIA Improvement meets with the requester community in roundtable discussions to learn what information they would like to see proactively posted on agency websites. DHS encourages public feedback to improve transparency and ensure that proactive disclosures are meaningful.
4. The Director of FOIA Technology implements the electronic monitoring, tracking, and redacting COTS web application solution to process FOIA and Privacy Act requests and manages the DHS Privacy Office web presence.
5. The FOIA Production Manager creates metrics reports to measure current workloads, address backlogged cases, and identify trends and successes in closing cases.

⁷ 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 11 offices: Office of the Secretary, Citizenship and Immigration Services Ombudsman, Domestic Nuclear Detection Office, Office of the Executive Secretary, Office of Intergovernmental Affairs, Management Directorate, Office of Policy, Office of the General Counsel, Office of Health Affairs, Office of Legislative Affairs, and Office of Public Affairs. Appendix A lists the DHS Components and their customary abbreviations. Appendix D lists acronyms, definitions, and exemptions.

In addition, DHS Privacy Office FOIA staff includes 10 Government Information Specialists who: (1) process FOIA requests submitted to the Office of the Secretary and 11 other Headquarters offices;⁸ (2) provide FOIA-related training; (3) coordinate appeals and process records under litigation; and (4) assist in the preparation of the Department's required FOIA reports on the Department's FOIA performance.

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.

⁸ See footnote seven for the list of 11 Headquarters offices.

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

A. Steps Taken to Apply the Presumption of Openness

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

FOIA Training:

1. Did your agency conduct FOIA training during the reporting period for FOIA professionals?

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

2. If yes, please provide a brief description of the type of training conducted and the topics covered.
 - The DHS Privacy Office conducted biweekly New Employee Training on FOIA along with best practices for safeguarding personally identifiable information for approximately 208 employees.
 - The DHS Privacy Office provided FOIA Records Search Training to FOIA Officers and the designated FOIA Points of Contact responsible for gathering records. The training included a detailed explanation of the revised electronic FOIA Records Search form, a FOIA overview, and best practices for records searches.
 - The DHS Privacy Office meets weekly regarding its FOIA program and processing requests. Since December 2014, one of the meetings has been devoted to training, including the following FOIA topics of interest: FOIA requester categories for fee determinations, agency records, proper FOIA requests, and Exemptions 5 and 6.
 - The DHS Privacy Office provided three training sessions to the United States Secret Service (USSS) Panel Review Board that included a FOIA overview and best practices for safeguarding personally identifiable information.
 - The DHS Privacy Office provided a full day refresher training session to its FOIA staff on the processing of FOIA requests.
 - The DHS Privacy Office provided a half-day FY 2014 Annual Report Refresher Training Workshop to the Component FOIA staff that included the reporting requirements and best practices for responding to FOIA requests.

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

- Transportation Security Administration (TSA) provided:
 - Sensitive Security Information Training and the application of Exemption 3 at TSA in four of its weekly team meetings, and guidance on the use of exemptions at nine of its weekly meetings.
 - An overview of the FOIA to the TSA FOIA liaisons, and specific training regarding the COTS web application solution, the paperless handling of cases, Systems of Records Notices (SORNs) and FOIA, fees, simple vs. complex cases, and proposed FOIA legislation.
 - Training to the Office of Training and Workforce Engagement and the Office of the Executive Secretariat regarding TSA-specific handling of FOIA requests, how to conduct a search, how to document a search, and the roles and responsibilities of the program office staff involved in searches.

- United States Coast Guard (USCG) conducted the following training at Headquarters Offices and at its units and directorates:
 - USCG Legal Services Command East provided training sessions on the following topics:
 - What is FOIA?
 - General provisions
 - Amendments
 - USCG policy
 - How to submit a FOIA request
 - Negotiated releases
 - Searching for responsive records
 - Reviewing and redacting records
 - Exemptions 1 through 7
 - Release and denial authority
 - What is a denial?
 - Justification memo
 - Fees and fee waivers
 - Expedited processing
 - Steps in processing a FOIA request
 - References and points of contact

 - Sector Charleston provided a general FOIA lecture at an all hands monthly meeting.
 - Marine Safety Unit Port Arthur conducted FOIA and Privacy Act Training for Marine Investigators and Vessel Facility Inspectors.
 - Intelligence Coordination Center provided an overview of the FOIA for an incoming Executive Officer.
 - USCG Information Law conducted its fourth Annual FOIA Fun Day, an all-day legal workshop for attorneys and legal interns in law school. Topics included:

- Short history of FOIA
 - Brief process and procedure
 - Exemptions
 - Privacy Act distinctions
 - The role of SORNs
 - Legal sufficiency reviews
- USCG Information Law conducted Legal Technicians FOIA training at the Naval Justice School. Topics included:
 - Short history of FOIA
 - Brief process and procedure
 - Exemptions
 - Privacy Act distinctions
 - The role of SORNs
- United States Citizenship and Immigration Services (USCIS) in-house training staff conducted more than 25 separate training classes this reporting period, including instructor-guided practical exercises. Topics included:
 - Basic course on FOIA processing in USCIS (two weeks)
 - Basic course on creating FOIA cases in the electronic processing system, and searching for responsive records (two weeks)
 - FOIA and Privacy Act interface
 - Referrals and consultations
 - National Security Information and FOIA or Privacy Act requests
 - The proper approach to reasonably segregable materials and releases under FOIA
 - Consent and verification of identity, with special emphasis on the impact of recent litigation
 - Processing and release of asylum records, with special emphasis on the impact of recent litigation results
 - Presumption of openness
- The USCIS senior lead processors conducted monthly refresher training sessions that were mandatory for all FOIA processors to attend. The training sessions were conducted in a classroom setting and simultaneously over AT&T Connect and MS Lync for employees who were teleworking. Topics included:
 - Referrals to CBP, United States Immigration and Customs Enforcement (ICE), the Federal Bureau of Investigation, and the Bureau of Prisons
 - The proper handling and release of court documents found in Alien files
 - Track 1 (simple track) processing
 - Processing responsive records that contain audio or video recordings
 - Supplemental releases and discretionary releases

- Handling of Controlled Application Review and Resolution Program records found in an Alien file
 - TECS⁹ screen prints—what to look for, release, and redact
 - Common processing mistakes seen during case review and approval
 - FOIA processing and handling of asylum and refugee records
 - Third party information and the application of Exemption 6
- USSS conducted FOIA training for FOIA personnel and new Special Agent and Uniformed Division officer recruits on the following topics: FOIA statutes and regulations, identifying factors unique to USSS that affect the processing of FOIA requests, exemptions, referrals, consultations, interagency coordination, expedited processing, and fee issues.
 - ICE conducted training during 26 new employee orientations, providing an overview of FOIA procedural requirements and exemptions.
 - ICE also conducted annual refresher training to the FOIA staff over three days.
 - ICE conducted a three-day training course twice for the contractors. This training provided an overview of the FOIA statute procedural requirements, exemptions, and recent updates and changes to ICE’s application of the statute.
 - The Federal Emergency Management Agency (FEMA) conducted monthly training for its disclosure personnel to address FOIA process improvement opportunities, and to ensure consistency in processing cases.
 - FEMA conducted training for its Region VII personnel. Topics included an overview of the FOIA, how to conduct records searches to yield responsive documents, and timelines established within the FOIA.
 - The Office of Intelligence and Analysis (I&A) conducted New Employee Orientation FOIA training to federal employees and contractors. Topics included statutory requirements as well as Department of Justice (DOJ) and DHS policies. I&A conducted additional training to staff at the operational-level responsible for conducting records searches and providing responsive records to I&A FOIA professionals.
 - The Science and Technology Directorate (S&T) conducted annual FOIA training for federal employees and contractors. Topics included S&T internal processes, exemptions, litigation, reasonable searches, and records management.

⁹ The TECS system is the updated and modified version of the former Treasury Enforcement Communications System. For information regarding TECS, see DHS/CBP/PIA-009 TECS System: CBP Privacy and Secondary Processing (December 22, 2010), available at <http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia-cbp-tecs.pdf>.

- The National Protection and Programs Directorate (NPPD) holds a biweekly FOIA all hands meeting to which all FOIA professionals, liaisons, and contractors are invited. Some of the topics included:
 - FOIA responses
 - New procedures or processes
 - What's up? A review of the Headquarters weekly report and how it may impact NPPD
 - What would you do? (unusual requests)
 - Protecting personally identifiable information in responses
 - Collecting fees
 - Cases that have been appealed – who, what, where, and why – results
 - Administrative files
 - Record keeping and schedules
 - Information obtained from SORNs
 - Sensitive Security Information
 - Submitter reviews
 - Reverse FOIA
 - Categories of requesters
 - Narrowing requests
 - Cost notifications to requesters
 - NPPD FOIA Office and Office of the General Counsel (OGC) Federal Protective Service (FPS) legal advisors provided a two-day refresher FOIA and Privacy Act training seminar for FPS FOIA/Privacy Act liaison officers and alternates located in the 11 FPS regions.
3. Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice?

The Department places a high priority on training and education. All DHS Headquarters personnel and most Component staff receive FOIA training as part of New Employee Orientation. This initial FOIA training is reinforced through mandatory annual instruction in records management that also addresses staff FOIA responsibilities.

In addition to internal training that DHS and the Components provide to their staff, FOIA professionals throughout the Department also attended classes offered outside the Department by DOJ, Office of Information Policy (OIP), Office of Government Information Services (OGIS), the American Society of Access Professionals (ASAP), International Association of Privacy Professionals (IAPP), the Graduate School USA, Georgetown University Law Center, and American University. Staff training this year included: FOIA Fundamentals, FOIA Litigation, Introduction to the FOIA, FOIA for Attorneys and Access Professionals, Advanced FOIA, Records Management, Alternate Dispute Resolution, Negotiation Techniques, FOIA Fees Summit, Annual Report and Chief FOIA Officer Report Workshops, Conference on Fortieth Anniversary of Privacy Act and Amendments to FOIA, ASAP's 7th Annual National Training Conference, and Certified Information Privacy Professional Foundations Certification and Certification Prep Classes.

- OGIS provided training to TSA on OGIS roles, responsibilities, and capabilities, along with guidance on communicating with difficult and frequent requesters.
 - DHS and several of the Components attended the following DOJ Agency Best Practices Workshops: Reducing Backlogs and Improving Timeliness, Proactive Disclosures & Making Online Information More Useful, Best Practices from the Requester's Perspective, and Implementing Technology to Improve FOIA Processing.
 - Two DOJ OIP attorneys provided four hours of FOIA refresher training to all USCIS FOIA processors, and four hours of advanced FOIA training to all USCIS FOIA managers, supervisors, and senior staff at the USCIS National Records Center in Missouri.
4. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

DHS estimates 95 percent of all DHS FOIA professionals attended substantive FOIA training during this reporting period. The DHS Privacy Office and all of the Components reported that 100 percent of the FOIA professionals attended substantive FOIA training during this reporting period, with the following exceptions: Office of Inspector General (OIG) reported 95 percent and USCG reported 50 percent. FEMA reported 100 percent of its FOIA professionals attended internal training and 50 percent attended external training.

5. In the [2014 Chief FOIA Officer Report Guidelines](#), OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan. Include any successes or challenges your agency has seen in implementing your plan.

See question two for examples of the substantive training DHS and the Components conducted during the reporting period. Additional information is provided below:

- Many of the Components have mandatory annual FOIA training and track this information already as detailed in question two. The DHS Privacy Office, NPPD, Federal Law Enforcement Training Centers (FLETC), and TSA have this as a mandatory requirement and as an item on the annual employee performance evaluation. Since 2013, the FLETC Information Technology Business Management Division has been implementing yearly substantive FOIA training.
- USCIS fully implemented the training plan it mentioned in last year's report. Two DOJ OIP attorneys provided four hours of FOIA refresher training to all USCIS FOIA processors, and four hours of advanced FOIA training to all USCIS FOIA managers, supervisors, and senior staff at the USCIS National Records Center in Missouri. USCIS indicated the challenges it faces are logistics and locality because its FOIA operation is centralized in the Kansas City, Missouri area. This requires USCIS to plan and budget for sending its FOIA staff to training at distant locales (usually Washington D.C.), or

implementing a plan to fund instructors to travel to Missouri to provide onsite training. USCIS determined that this year it was more cost effective to host the instruction onsite.

- ICE holds an annual training session for FOIA Points of Contacts in every program office within ICE; it is open to all ICE employees.
- CBP conducts training on FOIA, redactions, and processing, as part of introductory training for new employees, and as refresher training for senior employees as needed.
- USCG provided a great deal of training but indicated funding restraints and personnel shortages limited its ability to provide training to the directorates and units. It does still provide links to DOJ, DHS, and Graduate School USA training, and encourages outlying units to attend in their respective areas.

Outreach:

6. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?
 - As noted in question three, DHS and several of the Components attended the DOJ Agency Best Practices Workshops, which allowed them to interact with the requester community and open government groups. Additionally, the USCIS National Records Center Director served on the workshop panel regarding Reducing Backlogs and Improving Timeliness. The DHS Privacy Office Director of FOIA Technology served on the workshop panel for Implementing Technology to Improve FOIA Processing. He presented information and also fielded several questions from the audience regarding the following best practices: (1) leveraging all available agency resources; (2) actively collaborating with technology professionals; (3) examining different uses of technology for benefits throughout the entire FOIA process; and (4) continually evaluating the effectiveness of tools.
 - The DHS Privacy Office staff are members of the DOJ Common FOIA Regulation working group, which includes meetings and frequent collaboration with open government groups.
 - TSA FOIA leadership attended Transparency Camp 2014, a conference aimed at improving transparency in the Federal Government. The annual camp is sponsored by the Sunlight Foundation, an open government organization whose focus is to increase transparency and accountability in the Federal Government. TSA FOIA leadership was able to engage with more than 500 non-government attendees from 30 states and 20 countries including members of the public, news media, academics, and open government groups.
 - USCIS conducted a nationwide FOIA stakeholder outreach meeting by video teleconference and conference call.

- USCIS held an outreach and information sharing session with representatives from the American Immigration Lawyers Association (AILA), the members of which are frequent FOIA requesters on behalf of immigrant clients.
- The USCIS FOIA Significant Interest Group held outreach sessions via conference call with:
 - Judicial Watch
 - Immigrant investors under the EB-5 program
 - American Civil Liberties Union (ACLU)
 - Several news media outlets
- The DHS Privacy Office and NPPD attended two of ASAP's "Lunch & Learn" sessions, which included informal dialogue with the requester community.
- CBP participated in two conferences with the AILA through its Non-Government Organization Liaison. Additionally, CBP continued reaching out to frequent requesters suggesting they use the online request feature of FOIA online. CBP uses its CBP FOIA help line to also encourage this, as well as discussing basic navigation of the system with requesters.

7. If you did not conduct any outreach during the reporting period, please describe why.

- ICE and USCG devoted their resources to backlog reduction.
- FEMA directed its efforts and resources to the training/retraining of its FOIA personnel and establishing a backlog reduction action plan.

8. Does your agency have a distinct process or system in place to review records for discretionary release? If so, please briefly describe this. If your agency is decentralized, please specify whether all components of your agency have such a process or system in place.

- DHS and all of the Components have either a formal or an informal process in place to review records for discretionary release.

A few examples of the processes DHS has in place for reviewing records for discretionary release are provided below:

- The DHS Privacy Office, the Office for Civil Rights and Civil Liberties (CRCL), ICE, the Office of Operations Coordination and Planning (OPS), and S&T review the records on a case-by-case basis and determine what is appropriate for discretionary release.
- USCG requires an attorney to review all proposals to withhold information to ensure adherence with the 2009 FOIA Guidelines.

- OIG has a policy of making discretionary releases, per the 2009 FOIA Guidelines. While reviewing records, OIG ensures that openness and transparency prevail. OIG applies the foreseeable harm standard and discloses as much information as possible without compromising personal privacy, privileged records, or national security. When dealing with records that require full protection under the FOIA, OIG segregates and releases as much information as possible by exempting information that requires protection.
- USCIS has a formal process in place for discretionary releases. A supervisor or lead senior processor reviews and approves all cases prior to release with the goal of providing discretionary releases, if possible. USCIS makes further discretionary releases during the FOIA appeals stage.
- USSS reviews the records on a case-by-case basis, identifying material customarily withheld by the agency, which can be categorically released. USSS also works closely with its Public Affairs Office in an effort to offer the requesters alternate ways of obtaining information.
- ICE applies the foreseeable harm standard to identify records for release.
- FEMA's program offices are required to provide a harm analysis when recommending withholding information pursuant to Exemption 5. Additionally, FEMA's Office of Chief Counsel reviews all records identified for discretionary release to ensure the maximum release to the public.

9. During the reporting period, did your agency make any discretionary releases of information?

Yes. DHS Components made discretionary releases during the reporting period.

10. What exemption(s) would have covered the material released as a matter of discretion?

DHS made discretionary releases of a variety of information that was otherwise exempt from release under the FOIA.

- The DHS Privacy Office, OIG, USCIS, ICE, CBP, FEMA, USSS, FLETC, and S&T released material that could have been withheld pursuant to Exemption 5.
- The DHS Privacy Office, NPPD, and USSS released information that could have been withheld pursuant to Exemption 7(E).

11. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

- The DHS Privacy Office released discussions and recommendations related to fee categories and a document titled, "Procedures and Guidelines for Operations and other Functions for the United States of America-United Mexican States Cross Border Public Security Communications Network along the Common Border."

- OIG released information in audit and inspection work papers, comments made in e-mails discussing a particular course of action prior to a final decision being made on a draft regulation or directive, and various documents indicating that a particular issue was discussed, but did not disclose the details of the discussion.
- USCIS released drafts of documents, reports, and fact sheets prepared by agency program offices; statistical reports and data compilations not previously released by the agency; and training manuals and slide presentations.
- USSS released information pertaining to law enforcement techniques, attorney work-products, drafts reports, and memoranda.
- ICE released a large number of records containing information protected by the deliberative process, attorney-client, and attorney work-product privileges relating to decisions to return previously deported aliens for their removal hearings, after ICE determined that the information would not harm the agency.
- CBP released e-mails protected by the attorney work-product and deliberative process privileges.
- FEMA released grant application evaluation sheets, awarded and un-awarded grant applications, flood mapping documents, internal memoranda, and reports on policy issues.
- S&T released e-mails, memoranda, and drafts of documents that did not have major content differences in the final versions.
- FLETC released law enforcement training materials due to the age of the records and/or the public availability of the requested records.

12. If your agency was not able to make any discretionary releases of information, please explain why.

- CRCL and OPS determined that the nature of the records did not allow for discretionary release.
- I&A determined that many of its records were classified or law enforcement sensitive, which did not allow for discretionary release.
- CBP determined that many of its records contained personally identifiable information and/or law enforcement sensitive information, which did not allow for discretionary release.

Other Initiatives:

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

- The DHS Privacy Office provided FOIA Records Search Training to FOIA Officers and the designated FOIA Points of Contact within program offices responsible for gathering records.
- CRCL hosted a quarterly all hands meeting that included a FOIA overview by the DHS Privacy Office and OGC.
- TSA made the following efforts to inform non-FOIA professionals of their obligations under the FOIA:
 - Developed a new TSA Management Directive to clarify non-FOIA professional roles and obligations under the FOIA.
 - Conducted training for FOIA liaisons, including discussions regarding their roles and responsibilities, TSA's FOIA process, backlog, and conversion to the COTS web application solution.
 - Developed and widely distributed "FOIA 101" guidance to TSA employees.
 - Provided customized training to program offices.
 - Used its new iShare site to provide substantial guidance to non-FOIA professionals.
- OIG conducted FOIA training for approximately 30 Special Agents in Charge in its investigative field offices. Topics included an overview of the FOIA, search requirements, and procedures for providing records in response to search requests. OIG also discussed Exemption 7(A) and the information OIG routinely needs from the field offices in order to apply this exemption.
- OPS distributed FOIA posters and published reminders in its biweekly newsletter.
- USCIS made the following efforts to inform non-FOIA professionals of their obligations under the FOIA:
 - USCIS conducted outreach sessions with a number of USCIS program offices that routinely provide records. Additionally, the USCIS FOIA Significant Interest Group conducted an onsite FOIA overview for USCIS Headquarters along with monthly FOIA meetings with all the non-FOIA professional FOIA points of contact throughout USCIS.
 - USCIS held a Lunch and Learn session at the National Records Center for non-FOIA professionals. USCIS FOIA leadership conducted numerous informational sessions by video teleconference for Records Officer training courses, reminding attendees of their important obligations under the FOIA.

- USSS conducted FOIA training, and provided briefings to Special Agent recruits, Uniformed Division Officer recruits, and other USSS employees regarding their obligations under the FOIA.
- NPPD sent invitations to its biweekly meeting to non-FOIA professionals.
- FEMA conducted FOIA training for Region VII Records, Policy, and FOIA personnel regarding their obligations under the FOIA.
- I&A conducted “Introduction to FOIA” training during its new employee orientation, and is developing more in-depth training for personnel responsible for searching for responsive records.
- S&T conducted training for its divisions by request or as deemed necessary. S&T conducted FOIA training as part of its mandatory S&T 101 briefing for new federal employees and contractors.
- ICE conducted training to non-FOIA professionals during the biweekly new employee orientation regarding their obligations under FOIA.

14. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. If any of these initiatives are online, please provide links in your description.

- The DHS Privacy Office issued a policy memorandum [*Freedom of Information Act and 2014 Sunshine Week*](#), in March 2014, highlighting some of the Department’s accomplishments over the past year in furthering its openness and transparency initiatives. The Memorandum also asked FOIA Officers to remind all staff about the U.S. Attorney General’s call to action in his FOIA guidelines, issued March 19, 2009,¹⁰ that “FOIA is everyone’s responsibility.” Although this memorandum was published during last year’s reporting period, the DHS Privacy Office distributed this memorandum throughout this reporting period at training sessions.
- TSA posted frequently requested records and met with program offices and counsel to determine which records may be appropriate to post proactively. TSA posted its airport throughput data (wait times) online at: <http://www.tsa.gov/research-center/electronic-reading-room>
- USCIS published on its website a summary of the results of a FOIA requester survey it conducted: <http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/uscis-freedom-information-act-and-privacy-act>

¹⁰ The Attorney General’s Memorandum of March 19, 2009, is available at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>.

- USCIS provides guidance to FOIA requesters regarding its three-track processing system and how to dispute a FOIA case through OGIS:
<http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/foia-privacy-act-overview/foia-privacy-act-overview>
- USCIS provides a table that lists specific immigration records and provides a link to the websites for the Components within DHS or another federal agency under whose purview the records fall: <http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/how-file-foia-privacy-act-request/submitted-foia-requests>

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.

Personnel:

1. In the **2014 Chief FOIA Officer Report Guidelines**, OIP asked agencies about the status of converting all eligible FOIA professionals to the new Government Information Series. If your agency reported that its staff was eligible for conversion but had not yet converted all professionals to the new series, what is the current proportion of personnel that have been converted?

DHS has converted 81 percent of its FOIA professionals to the new Government Information Specialist job series. In last year's report, the following Components indicated their staff were eligible for conversion, but had not yet converted all of their FOIA professionals to the new series: OIG, TSA, NPPD, USSS, FEMA, and ICE.

- OIG converted all but one of its FOIA professionals to the new Government Information Specialist job series.
- TSA converted two of its 10 positions to the new job series.
- NPPD converted one of its six positions to the new job series, and all new FOIA openings are now filled in the new job series.
- USSS, FEMA, and ICE converted none of their personnel to the new job series during this reporting period.

2. If your agency has not converted all of its eligible employees yet, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

- TSA is working with its Office of Human Capital to convert the remainder of its personnel to the new jobs series by the end of the fiscal year.
- USSS is working with the Human Capital Division to convert all FOIA positions to the new job series in 2015.
- The NPPD Human Resources Office is converting its position descriptions to reflect the new job series.
- OIG is working with its Office of Management to convert its one remaining employee to the new job series by the end of the fiscal year.
- ICE submitted its request to convert its position descriptions to the new job series to its Office of Human Capital.
- FEMA converted 25 percent of its personnel during last year's reporting period and is working with Union leadership to convert the remainder of its personnel to the new job series by the end of the fiscal year.
- FEMA and S&T indicated new hires will be aligned with the new job series.

Processing Procedures:

3. For Fiscal Year 2014, 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 2014 Annual FOIA Report. Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2014

As Table 1 below indicates, DHS, as a whole, adjudicated requests for expedited processing in an average of 12 days.

Table 1. Requests for Expedited Processing in FY 14 as Reported in FY14 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 | 28 | 2,376 | 1 | 12.89 | 1,824 |
| CRCL | 0 | 0 | N/A | N/A | 0 |
| FEMA | 2 | 16 | 11 | 56.43 | 13 |
| FLETC | 1 | 0 | 8 | 8 | 0 |
| I&A | 1 | 11 | 6 | 5.1 | 12 |
| ICE | 39 | 95 | 1 | 1 | 134 |
| NPPD | 1 | 0 | 11 | 11 | 0 |
| OIG | 1 | 17 | 9 | 9.22 | 11 |
| OPS | 0 | 0 | N/A | N/A | 0 |
| PRIV | 2 | 26 | 1 | 3.45 | 28 |
| S&T | 0 | 2 | 1 | 1 | 1 |
| TSA | 1 | 6 | 1 | 2.65 | 7 |
| USCG | 5 | 1 | 24 | 39.33 | 1 |

| Component | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate | Number Adjudicated within 10 Calendar Days |
|-----------------------|----------------|---------------|-------------------------------------|--------------------------------------|--|
| USCIS | 10 | 833 | 5 | 5.96 | 752 |
| USSS | 0 | 21 | 1 | 1 | 21 |
| AGENCY OVERALL | 91 | 3,404 | 5 | 12 | 2,840 |

4. 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 CBP, FEMA, and USCG to ensure that the average number of days for adjudicating requests for expedited processing is less than 10 days and the hiring of additional staff and other measures mentioned by these Components throughout the report will help to accomplish this goal.

5. If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps.

Yes. In 2012, the DHS Privacy Office issued a memorandum on processing misdirected requests, emphasizing the importance of routing misdirected requests to the appropriate Component as soon as possible. DHS and the Components strive to reroute the requests within one business day of receipt, usually via e-mail. Some misdirected requests require additional time to consult with the Component for confirmation.

- USCG is decentralized, so all FOIA requests are tracked through its Policy Office and routed to the appropriate unit or directorate.
- The CBP FOIA Office is mostly centralized. Requests requiring input from other program offices are assigned to those offices. They are required to return the request to CBP FOIA Headquarters Office after records have been located for collection of fees (if applicable), evaluation of records, and final response. The only requests that are fully decentralized are fines, penalties, and forfeiture cases, requests for import and export records, and financial-based requests for the CBP Finance Center. CBP sends those requests directly to the ports or the Finance Center for direct response. CBP implemented a next day triage process to identify these requests sooner, allowing CBP to send them to the correct ports faster than in previous years.

6. If your agency is already handling the routing of misdirected requests in an efficient manner, please note that here and describe your process for these requests.

DHS and the Components handle misdirected requests during daily triage and route the misdirected requests to the appropriate agency or Component within one business day, if possible.

- CBP FOIA Headquarters handles the majority of CBP requests or routes the requests to the ports for direct response. CBP uses the FOIAonline system to route requests requiring the assistance of other offices and has established Points of Contact in each main office who are responsible for routing the misdirected requests.

Requester Services:

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

Yes, DHS and the Components provide the notification in final response letters for denials, partial denials, and no records responses.

- CBP, FLETC, and USCIS provide the notification in final response letters for appeals.

8. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester?

Yes, DHS and all the Components provide a breakdown of how FOIA fees were calculated and assessed, with the exception of FLETC, TSA, and CRCL, which did not assess fees during the reporting period. The breakdown includes fees associated with search, review, and duplication.

- The DHS Privacy Office and the Components using the COTS web application solution use a form within the solution to track and calculate potential costs to the requester, and can provide this form to the requester in acknowledgement letters, fee estimate letters, and final response letters. The breakdown includes the actual or estimated number of hours for search and review, for processing, and the number of pages associated with duplication costs.
- CBP uses a built-in cost estimator in its FOIAonline tracking system to generate invoices to provide to the requester. The invoice includes the estimated search and review hours and the number of pages associated with duplication costs.

9. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester?

DHS and the Components provide the fee estimates as noted in question eight, and also include explanations for particularly high estimates due to unusual or complicated searches, and work with the requester to narrow the scope of the request in an effort to reduce the cost.

Other Initiatives:

10. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

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

- Used its publicly facing website to allow any member of the public to access its FOIA logs, click on the request number, and download or view the records sent to the requester for that particular request.
- Created and made available to DHS Components a revised electronic FOIA Records Search Form to improve the search process. The DHS Privacy Office provided training regarding its use and encouraged the Components to tailor the form to meet their needs.
- Deployed a consolidated [web-based form](#) on its public facing FOIA website that enables requesters to submit their requests to the Department and its Components. In addition, the website explains how to submit a request and provides a link on the site's index page so requesters can [check the status](#) of their requests.
- Met with staff from the Office of the Chief Information Officer on multiple occasions to discuss ways to improve the search process for e-mail records.
- Met with the contractor for its COTS web application solution to address the unique needs of DHS and its Components, including ways to increase collaboration among the Components using the application, and ways to finalize cases more efficiently.

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

- Developed new metrics reports to improve individual and team performance.
- Eliminated unnecessary legal reviews of simple cases.
- Established daily triage for incoming requests to include a review, assessment, appropriate classification, assignment, and handling.
- Improved its intake process through the creation of a more sophisticated process for receiving responsive records, including electronic delivery, better analysis of responsiveness, duplication, and determinations about sufficiency.
- Created a process to identify and prioritize case handling for simple cases.
- Purchased de-duplication software to improve its case processing.

OIG has taken numerous steps to improve its FOIA process:

- Continues to educate its employees on FOIA search and processing requirements to ensure complete and productive searches.
- Holds internal staff meetings with an agenda focusing on consistency in FOIA responses and in the application of the exemptions.
- Improved its communications with OIG management officials to provide updated information on FOIA production.
- Conducts self-assessments of its FOIA workload and staffing needs, in order to assess its continued need for contractor assistance.

USCIS took the following steps to ensure its FOIA program operated efficiently:

- Introduced a Monthly Report Card to track the time it takes for USCIS program offices to respond to requests for responsive records. USCIS provides the report to its higher headquarters office, the program associate directors at USCIS headquarters, as well as the USCIS Director and Deputy Director. This report facilitated quicker responses to records requests, resulting in a 40 percent reduction across the board in the time it took to respond to a records search, and provided USCIS senior staff visibility over the performance of its FOIA points of contact.
- Completed a computer refresh, delivering all new laptops with docking stations to every staff member in its FOIA office. The new laptops have faster processors, much more memory, and operate on Windows 7, which improved overall efficiency in FOIA processing and expansion of the telework program for FOIA staff. In addition, many FOIA personnel received dual monitors, further improving efficiency and effectiveness.

ICE took the following steps to ensure its FOIA program operated efficiently:

- Established daily triage for incoming requests to include a review, assessment, appropriate classification, assignment, and handling to ensure efficiency and effectiveness when a search is being conducted for responsive records.
- Created a process to identify and prioritize simple and complex cases.
- Implemented new FOIA tracking and management system to increase productivity.
- Completed upgrade of computers, dual monitors, and high speed scanners to improve efficiency.

USSS conducted periodic reviews of its FOIA program, and identified ways to improve its administration of the FOIA. Many of these improvements involved the streamlining of traditionally time-consuming manual processes through the use of advanced technologies. USSS continued benchmarking other federal agencies for best practices.

NPPD provided the revised electronic DHS FOIA Records Search Form to its program offices resulting in timely searches and greater responses.

NPPD and ICE fully implemented the COTS web application solution.

CBP initiated a next-day triage process, evaluating all FOIA requests received electronically the previous day, checking for duplicate requests, non-traveler requests, requests that fall under the purview of other agencies, and improper requests for other reasons. Additionally, CBP conducts the same reviews of its request backlog to route requests appropriately and identify a true number of unique requests pending. Also, CBP is working to expand its I-94 website, which provides an alternate mechanism to filing a FOIA request for I-94 information. The I-94 is the DHS Arrival/Departure Record issued to aliens who are admitted to the U.S. or extending their stay, among other things. Future plans include expanding the number of years retrievable to 10 instead of five, as well as making some travel history available.

I&A uses the Executive Secretariat tracking system and the COTS web application solution to task and track search requests within I&A.

S&T conducts biweekly progress checks for all FOIA requests being processed.

FLETC developed and deployed a new electronic FOIA routing document for use by its FOIA and program personnel.

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.

Posting Material:

1. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system

Yes, see the processes and systems below.

- DHS and the Components follow the guidance set forth in a policy memorandum in December 2010, titled *DHS FOIA Office Procedures and Standards for Effectively Implementing Section (a)(2)(D) of the FOIA "Frequently Requested Documents" Procedures*,¹¹ which outlines the process for determining when and how to disclose frequently requested documents.

¹¹ This guidance is available at <http://www.dhs.gov/xlibrary/assets/foia/cfoiao-memo-dhs-priv-foia-a2d-procedures-20101208.pdf>.

- The DHS Privacy Office's FOIA COTS web application solution has a text field where processors are able to input key words associated with each request, enabling managers to run reports that identify frequently requested documents.
 - USCG posts all Final Action Memoranda for Mishaps to the USCG FOIA Library.
 - USCIS hired a GS-12 management and program analyst whose primary duty is to identify, gather, and post records for proactive disclosure to the USCIS Electronic Reading Room and the USCIS FOIA website.
 - CBP uses its FOIAonline tracking system to mark specific records for public viewing, assigns these records key words for search purposes, and has made some records available in this manner. Additionally, CBP evaluates the records using the criteria of whether the records have been requested multiple times by different sources, whether they are related to a current event and likely to be requested again, or whether they are related to similar requests from previous years, e.g., a specific set of statistics requested each fiscal year by multiple sources. If CBP determines the records meet the aforementioned criteria, CBP posts the records in the reading room.
 - USSS flags frequently requested records pertaining to matters of significant interest to the general public, and posts the records to the USSS FOIA library.
 - FEMA collaborates with its program offices to discuss posting records that are publicly available for release.
 - ICE has several employees who see every incoming FOIA request and flag requests for posting to the ICE FOIA Library. Additionally, ICE has made arrangements with several program offices to receive copies of frequently-requested reports as they are finalized so that those reports can be posted immediately.
 - OIG ensures the transparency of OIG operations by posting its final audit and inspection reports (with any classified or sensitive information necessarily protected). In general, if OIG receives three or more FOIA requests seeking similar information, and the responsive records are publicly releasable, OIG posts the requested records to the OIG reading room website.
2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

DHS and the Components collaborate with agency staff outside the FOIA office as noted below:

- TSA collaborates with subject matter experts, the Office of Sensitive Security Information, and the Office of Chief Counsel who must concur on all proactive releases.
- USCG collaborates with legal staff and Public Affairs.

- OIG collaborates with legal staff and with OIG Office of Congressional and Media Affairs, which is responsible for providing the records to OIG Information Technology Division for posting.
 - USCIS collaborates daily with USCIS Office of Communications to identify records for proactive disclosure, and to post to the USCIS website and the USCIS Electronic Reading Room. Additionally, USCIS collaborates regularly with the USCIS Contracting Office regarding the release and posting of procurement actions, and the Immigrant Investor Program Office on the proactive release of EB-5 records.
 - The DHS Privacy Office and USSS collaborate with their respective Offices of Public Affairs, which oversee the posting of records on the DHS and USSS FOIA websites.
 - NPPD collaborates with OGC.
 - S&T collaborates with OGC and consults with agencies that are partners in specific fields of study with similar scientific programs or interests.
 - FLETC collaborates with the FLETC Information Technology Business Manager, Public Affairs, and the FLETC webmaster when it identifies records of interest to the public.
 - ICE collaborates with its legal advisors, Office of Congressional Relations, and Office of Public Affairs.
3. Describe your agency’s process or system for identifying “frequently requested” records that should be posted online.

See below and also see question one, which details the processes DHS and the Components use for identifying records for proactive disclosure. The process for identifying frequently requested records is interwoven with the process for identifying records for proactive disclosure.

- DHS and the Components follow the guidance set forth in a policy memorandum in December 2010, titled *DHS FOIA Office Procedures and Standards for Effectively Implementing Section (a)(2)(D) of the FOIA “Frequently Requested Documents” Procedures*,¹² which outlines the process for determining when and how to disclose frequently requested documents.
- The DHS Privacy Office identifies frequently requested records through its COTS web application solution, which has a built in request comparison feature that identifies similar requests already entered in the system. Users can also manually search for past requests via key word searches through any field in the system. If there are three or more requests seeking the same records, the DHS Privacy Office will post the records to its

¹² This guidance is available at <http://www.dhs.gov/xlibrary/assets/foia/cfoiao-memo-dhs-priv-foia-a2d-procedures-20101208.pdf>.

FOIA library on the DHS website. Additionally, the DHS Privacy Office analyzes past FOIA requests and posts them to the website via links in the FOIA Logs. Any public user can access the FOIA logs, click on the request number, and download or view the records sent to the requester for that particular request.

- USCIS follows a standard “rule of three” when determining if a record falls into the frequently requested category. The USCIS electronic processing system alerts staff when any record is requested at least three different times. USCIS pulls the record and reviews for proactive disclosure.
 - NPPD also follows the standard rule of three but may consider a second request as a frequently requested record.
 - ICE tracks incoming requests through the COTS web application solution, which allows the intake team to track duplicate or similar requests. The intake team notifies the leadership via e-mail.
 - FEMA uses the COTS web application solution to identify frequently requested records.
 - I&A and S&T consider two requests for the same records to be frequently requested and recommend posting to the DHS website.
4. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.
- The DHS Privacy Office proactively posted over four million pages to the DHS FOIA Library in FY 2014 including:
 - DHS Use of Force Policies: <http://www.dhs.gov/publication/use-force-policy>
 - DHS FOIA Logs <http://www.dhs.gov/dhs-component-foia-logs>
 - Various contracts and solicitations: <http://www.dhs.gov/procurement-awards-and-orders>
 - Congressional correspondence logs: <http://www.dhs.gov/congressional-correspondence-logs>
 - FEMA posted disaster claims data:
<https://www.dhs.gov/fema-individual-and-public-assistance-claims-paid-flood-disasters-1998-2011>
 - TSA posted airport throughput data. <http://www.tsa.gov/research-center/electronic-reading-room>.

- USCG posted agency policy, administrative investigations, and Accident Mishap reports: http://www.uscg.mil/foia/FOIA_Library.asp
- OIG posted completed inspection and audit reports, records pertaining to the USSS prostitution scandal in Cartagena, and records pertaining to the removal of a Canadian citizen to Syria:
 - FY 2014 audit/inspection reports - http://www.oig.dhs.gov/index.php?option=com_content&view=article&id=210&Itemid=198
 - FY 2015 audit/inspection reports – http://www.oig.dhs.gov/index.php?option=com_content&view=article&id=217&Itemid=206
 - OIG FOIA reading room - http://www.oig.dhs.gov/index.php?option=com_content&view=article&id=10&Itemid=78
- ICE posted Secure Communities Nationwide Interoperability Statistics and Office of Detentions Oversight Compliance Inspection Reports:
 - <http://www.ice.gov/foia/proactive>
 - <http://www.ice.gov/foia/library>
- USCIS posted contracts and records pertaining to EB-5 Regional Centers, Deferred Action for Childhood Arrivals (DACA), and A-Files of Interest: <http://www.uscis.gov/about-us/electronic-reading-room>
- USSS posted records pertaining to Occupy Wall Street and Aaron Swartz:
 - http://www.secretservice.gov/foia_reading.shtml:
 - http://www.secretservice.gov/Swartz_FOIA.shtml
- NPPD posted records pertaining to Occupy Wall Street: <http://www.dhs.gov/occupy-wall-street>
- CBP posted the following records:
 - The Police Executive Research Forum Report titled “CBP Use of Force Review: Cases and Policies:” <https://foiaonline.regulations.gov/foia/action/public/view/record?objectId=090004d2802950a9>
 - A record of “Other than Mexican” apprehensions

<https://foiaonline.regulations.gov/foia/action/public/view/record?objectId=090004d280333a8c>

- Border Search of Electronic Devices Policy

<https://foiaonline.regulations.gov/foia/action/public/view/record?objectId=090004d28035278c>

- Occupational Safety Handbook

<https://foiaonline.regulations.gov/foia/action/public/view/record?objectId=090004d280361cc9>

Other Initiatives:

5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.
 - ICE is constantly adding new tabs to the ICE FOIA Library website to make the site more user friendly and to allow the public a faster way to identify where on the website information is located. For example, ICE created a “Recent Testimony” tab, which contains links to the prepared text versions of testimony by ICE leadership before Congress. Additionally, ICE has a link titled FOIA Proactive Disclosures, which contains an explanatory paragraph regarding proactive disclosures and contains links to proactive disclosures:
 - <http://www.ice.gov/foia/proactive>
 - <http://www.ice.gov/foia/library>
 - S&T is in the process of identifying projects that are of high interest to the public, and project documents available to proactively post online.

D. Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

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

Online tracking of FOIA Requests and Appeals:

1. Can a member of the public track the status of his or her request or appeal electronically?
 - The DHS Privacy Office, along with the following Components provides online tracking to FOIA requesters of the status of requests or appeals: CRCL, CBP, FEMA, I&A, ICE, NPPD, S&T, TSA, and USCIS.
2. If yes, how is this tracking feature provided to the public? For example, is it being done through the regular posting of status logs, an online portal, or through another medium?
 - The DHS Privacy Office posts the status of all cases being processed within the COTS web application solution on the DHS Privacy Office FOIA public facing website, which is updated weekly. The DHS Privacy Office posts the status of its cases and the following Components currently using the DHS Privacy Office managed application: CRCL, FEMA, I&A, ICE, NPPD, S&T, and TSA. This allows requesters to go to a central location and look up the current status of their case via their assigned case number. The DHS Privacy Office is upgrading this feature to provide case status updates daily.
 - Additionally, in February 2015, DHS launched a new webpage to be used to check the status of Freedom of Information Act requests. From this webpage, requesters are able to type in their request number to retrieve the current status of their request. This feature works for any request submitted to the DHS Privacy Office, I&A, FEMA, NPPD, S&T, ICE, and TSA. The Check Status webpage can be found at <http://www.dhs.gov/foia-status> and is also linked to the main DHS FOIA webpage at www.dhs.gov/foia.
 - USCIS has an online status check, which can be used to check the pending status of a FOIA request.
 - ICE has a web-based application that is linked to the ICE FOIA Request Tracking System.
 - CBP uses FOIAonline, which provides requesters with their request status as their request moves towards completion.
3. If your agency does provide online tracking, please describe the information that is provided to the requester through this feature. For example, some online tracking features may tell the requester whether the request is “open” or “closed,” while others will provide further details throughout the course of the processing, such as “search commenced” or “documents currently in review.”

A requester’s ability to track his or her request online varies from Component to Component, as does the type of information that is provided to the requester:

- CBP provides the following five stages of the processing of the request to the requester: submitted, evaluation, assignment, processing, and closed.
 - USCIS provides the requester with the processing track the request has been assigned, and where the request stands in the processing queue. This data is updated every 24 hours.
 - The DHS Privacy Office and the Components using the COTS web application solution to provide the following information to the requester:
 - Request ID – This is the request number that has been provided to the requester.
 - Received Date – The date the request was received by the Component.
 - Request Status – The current status of the request which can be:
 - Closed – The case has been processed, released, and closed.
 - Perfected – The request has been received and assigned to a processor and completed the perfecting stage.
 - Assigned – The case has been assigned to a designated processor.
 - Request for Docs Sent – A request for documents has been sent to another Component or federal agency.
 - Documents Added – Responsive documents have been added to the request.
 - Closed Date – The date the case was closed by the processor.
 - ICE provides the following information through its tracking system:
 - Initials of the processor working on the request
 - Date received
 - Method of receipt – mail, fax, e-mail
 - Process type: simple or complex
 - Disposition of request: pending, case open, case closed
 - Additionally, the requester can now track by the USCIS National Records Center number, if applicable
4. If your agency does provide online tracking for requesters, does this feature also provide an estimated date of completion?
- The DHS Privacy Office’s managed application check status capability provides an estimated date of completion for all Components currently using the application. All Components provide requesters with estimates, upon request. Additionally, the USCIS online status check site informs requesters what the current average processing times are for each of the three FOIA processing tracks. Using that information, along with the place the request is currently in line to be processed, the requester can estimate when the request will be completed.
5. If your agency does not provide online tracking of requests or appeals, is your agency taking steps to establish this capability? If not, please explain why.

- The DHS Privacy Office currently provides an online mechanism for requesters to track the status of their requests. The feature provides updates on a weekly basis. The DHS Privacy Office has initiated a development effort with a contractor to upgrade this feature to be more user friendly and provide daily updates.
- As noted above in question four, the DHS Privacy Office's managed application check status capability provides online tracking of requests for all Components currently using the application. Although the capability to provide online tracking of requests exists, USCG has not activated this feature to date.
- OIG is developing a web-based form for requesters to submit requests via its public facing website. OIG is also inquiring into the feasibility of a new enhanced FOIA database and tracking system, as well as a mechanism that would allow requesters to track their requests online.
- USSS is working on deployment efforts to provide online status to FOIA requesters through a public access link, which is a web portal solution within USSS's COTS web application solution.
- OPS determined that, due to the limited number of requests it receives, providing online tracking of requests is not cost effective.

Making Material Posted Online More Useful:

6. 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? Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

Yes, see below.

7. If yes, please provide examples of such improvements. If your agency is already posting material in its most useful format, please describe these efforts.
 - ICE and USSS in collaboration with their respective Offices of Public Affairs improved the usability of online materials by posting them in readable and open formats.
 - S&T is in the process of identifying S&T projects that are of high interest to the public and project documents available to proactively post online.
 - OIG monitors its website to ensure materials are accessible and current. OIG posts frequently requested records and updates them as required. OIG also uses social media as a means of transparency, advising its Twitter followers of newly-released reports, ways to report allegations, and about whistleblower protection resources. Twitter serves

as a secondary communication conduit to further the impact, and accessibility, of OIG publications. Additionally, the public is provided with the option of signing up for e-mail notifications each time a new report is posted on the website.

- USCIS collaborated with its Office of Communications and redesigned the FOIA public website making it more user friendly, with simple directions and explanations of where to locate content, including links to useful information about immigration topics. USCIS also collaborated with its Office of Communications on the redesign of the Electronic Reading Room to create an easy to read topical menu system.
 - FEMA is working to implement feedback functionality via the public facing website to solicit feedback regarding the content and presentation of posted material.
 - FLETC redesigned its public facing website making it more user friendly.
8. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

DHS and the Components interacted with the following agency staff to identify new ways to post agency information online:

- The DHS Privacy Office, TSA, and USSS interacted with their respective Offices of Public Affairs.
 - OIG interacted with its Office of Public Affairs and information technology staff.
 - USCIS interacted with its Office of Communications.
 - FEMA interacted with its Chief Information Officer and External Affairs.
 - S&T interacted with its Office of Corporate Communications.
 - ICE interacted with its Office of Public Affairs and Office of the Chief Information Officer.
 - FLETC's FOIA program falls under FLETC Chief Information Officer and is fully integrated with the FLETC Information Technology Directorate. FLETC interacted with its Office of Public Affairs.
9. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts. For example, this can be done through social media or with the offering of e-mail subscription services.
- The DHS Privacy Office uses a web service called GovDelivery that allows subscribers to receive e-mail notifications whenever new material is posted.

- OIG uses social media as a means of transparency, advising its Twitter followers of newly-released reports, ways to report allegations, and about whistleblower protection resources.
- USCG indicated its Office of Public Affairs may issue press releases in conjunction with postings to the USCG FOIA Library.

10. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

Yes, see below.

11. If so, please briefly explain what those challenges are.

- DHS and the Components continue to focus on case management and case closure, which leaves little time allocated for the proactive work of posting records. Additionally, the sensitivity of records such as law enforcement or classified require several levels of review, often making it difficult, or in some instances impossible to post records.
- The DHS Privacy Office, NPPD, and TSA encountered challenges with compliance with Section 508 of the *Rehabilitation Act*.¹³
- USSS encountered challenges regarding file size limitations and posting audio and video footage.

Use of Technology to Facilitate Processing of Requests:

12. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, describe the technological improvements being made.

- As mentioned in last year's report, the DHS Privacy Office increased the functionality of the COTS web application solution to allow for improved document sharing, consultations, and referrals within the application. During last year's reporting period, the DHS Privacy Office, FEMA, I&A, ICE, NPPD, S&T, TSA, and USSS used the application, resulting in increased productivity, and enhanced accuracy in reporting statistics, tracking cases, and better data integrity.

¹³ Section 508 of the *Rehabilitation Act* (29 U.S.C. 794d), as amended by the *Workforce Investment Act of 1998* (Public Law 105-220), August 7, 1998, requires information posted on agency websites be accessible to those using assistive technologies.

- During this reporting period, USCG and CRCL transitioned to the application, resulting in improved interoperability and standardization of the FOIA process across the Department. The DHS Privacy Office became more proficient with the Advanced Document Review feature, a de-duplication capability that allows FOIA staff to upload e-mail correspondence files and reduce duplicate correspondence based on a comparison process performed by the application.
- TSA recently purchased de-duplication software for its COTS web application solution, and is in the process of implementation. TSA is also working with the Office of Sensitive Security Information to apply redactions to sensitive materials within the COTS solution. TSA provided COTS solution licenses to counsel to facilitate the legal review of documents.
- USCIS implemented the use of software solutions that provide:
 - De-duplication of records
 - Sorting and indexing of voluminous responsive records
- USCIS receives FOIA requests through two separate online portals:
 - DHS online request portal
 - FOIAonline
- NPPD is using technology to blur faces and obtain transcripts of recordings within NPPD FPS.
- CBP is consulting with its Office of Information Technology to leverage a new process for searching CBP systems of records to allow its staff to perform broader searches in less time.
- FEMA is taking steps to implement an electronic records management solution to assist in searches for responsive records, to include functionality to interface with its COTS web application solution.
- I&A is exploring greater use of SharePoint to establish better records management practices, yielding more efficient searches for responsive records.
- S&T uses its internal SharePoint sites to coordinate the reviews of records with its program offices.
- FLETC uses SharePoint to communicate, consult, and share records.

13. Are there additional tools that could be utilized by your agency to create further efficiencies?

- TSA is researching the purchase of improved technology for video viewing.
- USCIS established USCIS Electronic Immigration System (USCIS ELIS), which is an electronic immigration application system available online at the USCIS public website. While expanded use of USCIS ELIS is still being developed, this system will allow individuals with accounts to access documents they have filed with USCIS. USCIS anticipates this may reduce the number of FOIA requests for certain forms from the immigration folder such as the Form N-400, Application For Naturalization.
- I&A indicated SharePoint and e-discovery tools would create further efficiencies.
- FLETC indicated a less expensive de-duplication software would allow FLETC to consider purchasing for the processing of large volumes of e-mail records.

14. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

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

15. 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 2015.

This is not applicable to DHS.

16. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? If yes, what are the different types of electronic means are utilized by your agency to communicate with requesters?

Yes, DHS and the Components use e-mail or other electronic means to communicate with requesters when feasible. CBP and USCIS also use FOIAonline to communicate with requesters.

17. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

This is not applicable to DHS.

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

The President and the U. S. Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2013 Annual FOIA Report and, when applicable, your agency's 2012 Annual FOIA Report.*

Simple Track Requests:

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

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

Yes, DHS utilizes a separate track for simple requests. In FY 2014, the Department received an unprecedented number of FOIA requests —291,242 in total — an increase of 26 percent from FY 2013's total of 231,534. DHS processed 238,031 requests, an increase of 16 percent from 204,526 in FY 2013. DHS closed 75,687 simple perfected requests in FY 2014, an 11 percent decrease compared with the 85,516 closed in FY 2013. The Department closed 146,193 complex perfected requests in FY 2014, a 28 percent increase compared with the 113,793 closed in FY 2013. In total, DHS closed 221,880 perfected simple and complex requests in FY 2014. Of the 238,031 total requests closed in FY 2014, DHS released responsive records in 65 percent of the cases.

2. If so, for your agency overall, for Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

The Department closed 16 percent more requests in FY 2014 compared to FY 2013 and the response time for simple perfected requests that were closed in FY 2014 decreased to an average of 21 days, with a median of 9 days. This decrease is a very positive step and many Components contributed to this in FY 2014:

- Twelve of the 15 processing Components had median processing times under 20 days for simple perfected closed requests.
- Ten of the 15 processing Components had average processing times under 20 days for simple perfected closed requests.

- As Table 2 below indicates, the DHS Privacy Office, CRCL, OIG, OPS, S&T, TSA, USCG, and USSS had median and average response times for simple perfected closed requests of less than 20 days.

Table 2. Response Time for All Processed Perfected Requests in FY14 as Reported in FY14 Annual Report

| Component | Simple | | | |
|-----------------------|--------------------|---------------------|--------------------|---------------------|
| | Median No. of Days | Average No. of Days | Lowest No. of Days | Highest No. of Days |
| CBP | 5 | 6.83 | 1 | 20 |
| CRCL | 7 | 9.61 | 1 | 20 |
| FEMA | 11 | 10.9 | 2 | 20 |
| FLETC | 9 | 18.31 | 1 | 122 |
| I&A | 23 | 29.84 | 1 | 134 |
| ICE | 3 | 35.37 | 1 | 550 |
| NPPD | 124 | 114.47 | 1 | 222 |
| OIG | 20 | 31.52 | 1 | 248 |
| OPS | 1 | 2.55 | 1 | 14 |
| PRIV | 4 | 5.37 | 1 | 20 |
| S&T | 6.5 | 8.83 | 1 | 30 |
| TSA | 1 | 2.89 | 1 | 20 |
| USCG | 9 | 9.21 | 1 | 20 |
| USCIS | 19.18 | 20.32 | 1 | 357 |
| USSS | 12 | 12.58 | 1 | 20 |
| AGENCY OVERALL | 9 | 21.24 | 1 | 550 |

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

In FY 2014, DHS processed 222,057 perfected requests, of those 75,687 or 34 percent were simple.

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

This is not applicable to DHS.

Backlogged Requests

Section XII.A of your agency’s Annual FOIA Report, entitled “Backlogs of FOIA Requests and Administrative Appeals” shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2013 and Fiscal Year 2014 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 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013? If not, explain why and describe the causes that contributed to your agency not being able reduce its

backlog. When doing so, please also indicate if any of the following were contributing factors: an increase in the number of incoming requests, a loss of staff, and/or increase in the complexity of the requests received.

As Table 3 below indicates, the DHS backlog increased in FY 2014 by 101 percent. CBP decreased its backlog by 10 percent, in part due to the collaboration with the DHS Privacy Office, which closed 5,014 requests on behalf of CBP. OPS kept its backlog at zero and FLETC and S&T each kept their backlogs at one.

Table 3. Comparison of Backlogged Requests from Previous and Current Annual Report¹⁴

| 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 | 37,848 | 34,307 |
| CRCL | 0 | 3 |
| FEMA | 496 | 709 |
| FLETC | 1 | 1 |
| I&A | 12 | 22 |
| ICE | 4,714 | 56,863 |
| NPPD | 3,099 | 3,592 |
| OIG | 34 | 48 |
| OPS | 0 | 0 |
| PRIV | 20 | 64 |
| S&T | 1 | 1 |
| TSA | 546 | 924 |
| USCG | 877 | 1,261 |
| USCIS | 3,394 | 5,026 |
| USSS | 533 ¹⁵ | 659 |
| AGENCY OVERALL | 51,575¹⁶ | 103,480 |

- TSA’s backlog increased due to workforce shortages, data migration, implementation of the new COTS web application solution, and complex requests for voluminous amounts of records.
- USCG’s backlog increased due to a significant increase in requests for information that had been publicly available on the National Response Center’s website. The website was removed due to a privacy incident, which in turn, required individuals interested in the information to submit FOIA requests rather than access the website.
- OIG’s backlog increased due to staff shortages, an increase in the amount of complex requests for a large volume of records often requiring consultations with DHS and other federal agencies, and sensitive records requiring additional review by OIG’s program offices.

¹⁴ Find the 2013 Annual FOIA Report at <http://www.dhs.gov/publication/fy13-foia-annual-report>.

¹⁵ *Id.*

¹⁶ *Id.*

- USCIS’s backlog increased due to a significant increase in the number of requests received. The total number of requests received increased from 132,696 in FY 2013 to 144,183 in FY 2014.
 - ICE’s backlog increased due to the loss of seasoned FOIA professionals, and the inability to hire new staff. ICE also received a large volume of complex requests pertaining to sequestration, and multiple immigration-related issues pertaining to unaccompanied minors, sexual assault, the criminal alien program, and prosecutorial discretion.
 - CRCL’s backlog increased due to FOIA Officer turnover.
 - I&A’s backlog increased due to staff turnover and vacancies.
 - FLETC and S&T maintained backlogs of one request each.
6. 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 2014. To calculate your agency’s percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2014 Annual FOIA Report by the number of requests received in Fiscal Year 2014, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

DHS received 291,242 requests in FY 2014 with a backlog of 103,480 requests, for which 35 percent of requests make up the backlog.

Backlogged Appeals

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

In FY 2014, the DHS appeals backlog increased by 12 percent. Although the overall agency appeals increased, Table 4 below indicates FLETC eliminated its backlog; and FEMA, OIG, and USCIS reduced their backlogs.

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 | 0 | 8 |
| FEMA | 31 | 30 |
| FLETC | 1 | 0 |
| ICE | 32 | 43 |
| OGC | 11 ¹⁷ | 11 |

¹⁷ Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report corrected due to Component reporting error in FY 2013.

| 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 |
|-----------------------|---|--|
| OIG | 28 | 17 |
| TSA | 7 | 12 |
| USCG | 29 | 33 |
| USCIS | 3 | 2 |
| USSS | 1 | 4 |
| AGENCY OVERALL | 143¹⁸ | 160 |

- USCG’s backlog increased due to the increase in appeals of complex information, and the large volume of relevant records.
 - USSS’s backlog increased due to the receipt of the appeals close to the end of the fiscal year.
 - CBP’s backlog increased due to an increase in the number of incoming requests.
 - FEMA’s backlog increased due to an increase in the number of incoming appeals as well as the loss of staff.
8. 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 2014. If your agency did not receive any appeals in Fiscal Year 2014 and/or has no appeal backlog, please answer with “N/A.”

DHS received 3,634 appeals in FY 2014 with a backlog of 160 appeals, for which four percent of the appeals make up the backlog.

9. In the 2014 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2013 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 2014?

As noted in last year’s report, the DHS Privacy Office and the Components were committed to reducing their backlogs and implemented several plans. However, in many instances new challenges increased the backlogs. See question five above for the list of reasons. Backlog reduction efforts include:

- The DHS Privacy Office responsible for the oversight of the Department’s FOIA program, partnered with CBP to eliminate the CBP backlog in 2015. The DHS Privacy Office used its COTS web application solution to process requests without the need to detail employees to a CBP location. The DHS Privacy Office redirected its staff to process the backlogged CBP requests and also hired three contractors to assist in this

¹⁸ *Id.*

reduction effort. The DHS Privacy Office, on behalf of CBP, closed 5,014 requests at the end of FY 2014.

- The DHS Privacy Office sent monthly e-mails to the Component FOIA officers containing charts depicting DHS FOIA Backlog monthly statistics including a summary and analysis. The e-mails also included 10 Oldest Requests, FOIA Appeals, and Proactive Disclosure information, and suggested steps to improve production.
 - The DHS Privacy Office convened weekly management meetings, conducted oversight of the FOIA processing workload, and devoted considerable executive attention to requests that require other offices to provide the DHS Privacy Office with responsive materials.
 - The DHS Privacy Office leadership met weekly to discuss the 10 oldest FOIA requests, appeals, and outstanding consultations, and determine what steps needed to be taken to complete the processing of these requests.
 - On a monthly basis, or as needed, the Senior Director of FOIA Operations, along with senior staff, reviewed the workload of each analyst to determine whether cases needed to be redistributed, and to consider, together with the DCFOIAO, the possible reallocation of resources where needed. In addition, on a quarterly basis, the Senior Director of FOIA Operations, together with other senior staff members, reviewed the existing backlog to determine the number of cases pending for more than the 20 days, as provided by statute.
 - The Senior Director of FOIA Operations continued to monitor staffing levels and make recommendations to the DHS Privacy Office leadership to ensure that the number of personnel dedicated to FOIA was adequate to process expected increasing workloads. However, the Department notes that staffing will continue to be a challenge. Thus, it may be increasingly difficult to maintain appropriate staffing levels to fulfill the mission in the manner in which the Department is accustomed.
- FEMA trained regional points of contact, and used its COTS web application solution to reduce duplicate data calls.

10. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2014, what is your agency's plan to reduce this backlog during Fiscal Year 2015?

The Components provided the following plans for achieving backlog reduction in the year ahead:

- CBP is implementing the following actions to reduce the FOIA backlog:
 - Partnering with the DHS Privacy Office to eliminate the backlog in six months;
 - Hiring and training additional FOIA Government Information Specialists;
 - Encouraging more law firms to file FOIA requests online instead of by mail to reduce administrative processing time;
 - Using CBP interns to conduct record searches;

- Building better relationships within and managing the workload of field employees who process FOIA requests on a regular basis;
 - Establishing daily and weekly productivity goals for CBP FOIA staff and field employees;
 - Improving in-take processes to check for FOIA duplicates and non-FOIA requests;
 - Updating CBP FOIA guidance and quick tip guides to assist Headquarters and field employees in FOIA processing.
 - Collaborating with CBP's Office of Human Resources Management to develop written procedures for each of the processes within the FOIA Division;
 - Researching a way to use resources from the Office of Field Operations and Office of Border Patrol to assist in record searches;
 - Working with the Office of Information Technology to use a modernized version of the TECS¹⁹ records system to increase the speed of records searches and redaction of information.
- USCIS is taking the following steps to reduce its backlog:
 - USCIS is authorizing overtime for its staff to reduce the backlog upfront during the months when requests are typically reduced, which USCIS believes will be more effective than its past practice of implementing overtime in March when the requests typically increase.
 - USCIS requested additional personnel to reduce the backlog.
 - USCIS is meeting with its Forecasting and Modeling Branch to develop a Staffing Allocation Module for FOIA to better forecast its future workload and ensure adequate staffing levels.
 - USCIS is always refining its processes to take advantage of increased efficiencies. For instance, USCIS completed a printing pilot, which allows its teleworking case creators to direct the printing of responsive records to a joint mailbox located at the National Records Center. Records are retrieved from the mailbox daily and immediately scanned into the case. This process change resulted in quicker response times for no record responses. On average, this has saved USCIS three to five days of processing time.
 - NPPD is taking the following steps:
 - NPPD's Office of Biometric Identity Management (OBIM) signed a service level agreement with USCIS National Records Center to process all OBIM referrals starting in FY 2014; however, implementation did not occur until late in the fiscal year.

¹⁹ See footnote nine for information regarding TECS.

- NPPD fully implemented the COTS web application solution, hired two contractors, and detailed two additional FOIA specialists to OBIM to address the backlog. NPPD is now closing 1,000 cases per month with these steps.
- ICE awarded a new multi-million dollar contract for backlog reduction, fully implemented the COTS web application solution, and increased its staff by seven full-time federal employees. ICE leadership identified its severe staffing shortage and allocated funds and resources to correct the staffing shortage and eliminate the entire backlog by the end of FY 2015. In this effort, ICE trained over 65 full time contractors.
- USCG is seeking contractor support to assist with its goal of a 10 percent backlog reduction. The contractors will monitor and track unit and directorate responses, and provide metrics to leadership regarding the response times.
- USSS plans to hire additional personnel to fill vacant positions, and make adjustments to existing business processes to maximize efficiencies.

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 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

Ten Oldest Requests:

11. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No, DHS did not close the 10 oldest requests in FY 2014.

12. 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 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your “ten oldest” in Section VII.E. and you closed six of them, you should note that you closed six out of seven “oldest” requests.

DHS closed eight of the 10 oldest requests in FY 2014, and 86 percent of the 10 oldest requests for each of the Components combined. Table 5 below shows the 10 oldest requests that were pending for each Component as of the end of FY 2013. DHS has closed three additional requests that were open as of the end of FY 2013. As of the end of January 2015, DHS closed 89 percent of the 10 oldest requests for each of the Components combined.

Table 5. Ten Oldest Pending Requests as Reported in the 2013 Annual FOIA Report²⁰

| Component | Sub-Row Heading | 10th | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Request |
|-----------|------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|----------------|
| CBP | Date of Receipt | 2012-01-27 | 2012-01-27 | 2012-01-27 | 2012-01-27 | 2012-01-27 | 2012-01-26 | 2012-01-26 | 2012-01-25 | 2012-01-25 | 2012-01-25 |
| | Number of Days Pending | 423 | 423 | 423 | 423 | 423 | 424 | 424 | 425 | 425 | 425 |
| CRCL | Date of Receipt | N/A | 09-30-2013 | 2013-09-25 | 2013-09-24 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 4 | 5 |
| FEMA | Date of Receipt | 2010-06-23 | 2010-04-26 | 2010-04-12 | 2010-04-02 | 2010-02-19 | 2010-01-20 | 2009-11-27 | 2009-07-08 | 2008-02-03 | 2007-09-07 |
| | Number of Days Pending | 825 | 866 | 876 | 882 | 912 | 929 | 964 | 1,062 | 1,420 | 1,520 |
| FLETC | Date of Receipt | N/A | 2013-09-16 | 2013-09-16 | 2013-07-26 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 11 | 46 |
| I&A | Date of Receipt | 2013-08-03 | 2013-08-03 | 2013-08-03 | 2013-08-01 | 2013-07-30 | 2013-07-24 | 2013-07-23 | 2013-07-23 | 2013-06-26 | 2013-02-16 |
| | Number of Days Pending | 40 | 40 | 40 | 42 | 42 | 44 | 49 | 49 | 67 | 158 |
| ICE | Date of Receipt | 2012-05-29 | 2012-05-24 | 2012-03-08 | 2012-02-27 | 2012-02-14 | 2012-02-13 | 2011-12-01 | 2011-12-01 | 2011-12-01 | 2011-10-05 |
| | Number of Days Pending | 338 | 340 | 395 | 403 | 411 | 412 | 462 | 462 | 462 | 520 |
| NPPD | Date of Receipt | 2013-05-16 | 2013-05-16 | 2013-05-16 | 2013-05-16 | 2013-05-16 | 2013-05-16 | 2013-05-16 | 2013-04-25 | 2012-11-10 | 2012-10-31 |
| | Number of Days Pending | 95 | 95 | 95 | 95 | 95 | 95 | 95 | 110 | 222 | 230 |
| OIG | Date of Receipt | 2013-03-05 | 2013-03-01 | 2013-02-28 | 2013-02-08 | 2013-02-01 | 2013-01-16 | 2013-01-16 | 2012-04-24 | 2012-04-24 | 2011-12-08 |
| | Number of Days Pending | 147 | 149 | 150 | 163 | 168 | 180 | 180 | 362 | 362 | 457 |
| OPS | Date of Receipt | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PRIV | Date of Receipt | 2013-03-11 | 2013-02-27 | 2013-02-15 | 2012-10-31 | 2012-10-08 | 2012-08-07 | 2012-08-06 | 2012-08-03 | 2012-04-25 | 2012-03-16 |
| | Number of Days Pending | 143 | 151 | 159 | 230 | 246 | 289 | 290 | 291 | 361 | 389 |
| S&T | Date of Receipt | N/A | 2013-03-20 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 136 |
| TSA | Date of Receipt | 2010-03-22 | 2010-2-25 | 2010-02-25 | 2010-02-16 | 2010-01-29 | 2010-01-15 | 2010-01-05 | 2009-11-23 | 2009-10-26 | 2008-12-18 |
| | Number of Days Pending | 891 | 908 | 908 | 915 | 922 | 931 | 939 | 964 | 986 | 1,199 |
| USCG | Date of Receipt | 2010-02-24 | 2010-02-23 | 2010-02-23 | 2010-02-22 | 2010-02-18 | 2010-01-11 | 2009-12-29 | 2009-12-08 | 2009-11-30 | 2009-11-25 |
| | Number of Days Pending | 909 | 910 | 910 | 911 | 913 | 935 | 943 | 957 | 963 | 965 |
| USCIS | Date of Receipt | 2013-01-03 | 2012-12-31 | 2012-12-24 | 2012-12-12 | 2012-12-05 | 2012-11-28 | 2012-11-19 | 2012-10-26 | 2012-07-11 | 2012-04-19 |

²⁰The requests, appeals, and consultations reported in the 2013 FOIA Annual Report that are still pending are highlighted in red in the Ten Oldest Pending Requests (Table 5), Ten Oldest Pending Appeals (Table 6), and Ten Oldest Pending Consultations tables (Table 7).

| Component | Sub-Row Heading | 10th | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Request |
|----------------|------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|----------------|
| | Number of Days Pending | 188 | 190 | 194 | 202 | 207 | 212 | 218 | 233 | 308 | 365 |
| USSS | Date of Receipt | 2007-06-29 | 2007-06-29 | 2007-06-29 | 2007-06-29 | 2007-06-29 | 2007-06-29 | 2007-06-29 | 2007-06-05 | 2007-01-09 | 2006-12-01 |
| | Number of Days Pending | 1,568 | 1,568 | 1,568 | 1,568 | 1,568 | 1,568 | 1,568 | 1,586 | 1,688 | 1,713 |
| AGENCY OVERALL | Date of Receipt | 2007-06-29 | 2007-06-29 | 2007-06-29 | 2007-06-29 | 2007-06-29 | 2007-06-29 | 2007-06-05 | 2007-06-05 | 2007-01-09 | 2006-12-01 |
| | Number of Days Pending | 1,568 | 1,568 | 1,568 | 1,568 | 1,568 | 1,568 | 1,568 | 1,586 | 1,688 | 1,713 |

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

FEMA was the only Component that closed two of the 10 oldest requests because the requests were withdrawn by the requesters. FEMA closed two requests and provided interim responses to both requests. In one request, FEMA provided two interim responses, consisting of 800 pages of 3,000 pages. For the second request, FEMA provided one interim response, consisting of 550 pages of 65 boxes of potentially responsive records.

Ten Oldest Appeals:

14. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No, DHS did not close the 10 oldest administrative appeals pending at the end of FY 2013.

15. 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 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C.(5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.

As noted in question 14, and as Table 6 below indicates, DHS did not close the 10 oldest administrative appeals pending at the end of FY 2013. DHS closed four of the 10 oldest appeals in FY 2014 and 85 percent of the 10 oldest administrative appeals for all the Components combined. As of the end of January 2015, DHS closed 87 percent of the 10 oldest requests for each of the Components combined.

Table 6. Ten Oldest Pending Appeals as Reported in the 2013 Annual FOIA Report

| Component | Sub-Row Heading | 10th | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Appeal |
|-----------|------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|---------------|
| CBP | Date of Receipt | N/A | N/A | 2013-09-27 | 2013-09-27 | 2013-09-25 | 2013-09-25 | 2013-09-25 | 2013-09-23 | 2013-09-06 | 2013-09-06 |
| | Number of Days Pending | 0 | 0 | 2 | 2 | 4 | 4 | 4 | 6 | 17 | 17 |
| FEMA | Date of Receipt | 2010-11-22 | 2010-08-27 | 2010-05-06 | 2010-04-12 | 2010-02-17 | 2009-12-11 | 2009-08-31 | 2009-06-25 | 2009-02-26 | 2008-11-20 |
| | Number of Days Pending | 721 | 779 | 858 | 876 | 914 | 954 | 1,024 | 1,070 | 1,154 | 1,218 |
| FLETC | Date of Receipt | N/A | 2013-09-16 | 2013-07-15 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 55 |
| ICE | Date of Receipt | 2013-04-12 | 2013-03-29 | 2013-03-29 | 2013-03-14 | 2013-03-14 | 2013-03-14 | 2013-03-14 | 2013-01-30 | 2013-01-24 | 2013-01-23 |
| | Number of Days Pending | 119 | 129 | 129 | 140 | 140 | 140 | 140 | 170 | 174 | 175 |
| OGC | Date of Receipt | 2013-07-22 | 2013-07-16 | 2013-07-12 | 2013-07-12 | 2013-06-18 | 2013-02-25 | 2013-02-25 | 2012-09-05 | 2012-08-29 | 2012-06-21 |
| | Number of Days Pending | 50 | 54 | 56 | 56 | 73 | 153 | 153 | 269 | 273 | 321 |
| OIG | Date of Receipt | 2012-07-25 | 2012-07-05 | 2012-07-03 | 2012-06-28 | 2012-06-14 | 2011-03-09 | 2010-11-10 | 2010-09-15 | 2009-01-14 | 2008-11-14 |
| | Number of Days Pending | 298 | 312 | 313 | 316 | 326 | 649 | 728 | 767 | 1,182 | 1,222 |
| TSA | Date of Receipt | N/A | N/A | N/A | 2013-09-12 | 2013-09-09 | 2013-09-06 | 2013-09-04 | 2013-08-19 | 2013-07-12 | 2012-11-15 |
| | Number of Days Pending | 0 | 0 | 0 | 13 | 16 | 17 | 19 | 30 | 56 | 220 |
| USCG | Date of Receipt | 2012-09-21 | 2012-08-27 | 2012-08-02 | 2012-07-30 | 2012-07-11 | 2012-07-11 | 2012-01-07 | 2011-10-05 | 2011-04-04 | 2009-03-10 |
| | Number of Days Pending | 257 | 275 | 292 | 295 | 308 | 308 | 436 | 500 | 631 | 1,146 |
| USCIS | Date of Receipt | 2013-09-11 | 2013-09-11 | 2013-09-09 | 2013-09-09 | 2013-09-09 | 2013-09-04 | 2013-08-30 | 2013-08-28 | 2013-08-23 | 2013-08-14 |

| Component | Sub-Row Heading | 10th | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Appeal |
|----------------|------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|---------------|
| | Number of Days Pending | 14 | 14 | 15 | 15 | 15 | 18 | 22 | 23 | 27 | 33 |
| USSS | Date of Receipt | N/A | 2013-09-10 | 2012-09-28 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 252 |
| AGENCY OVERALL | Date of Receipt | 2010-05-06 | 2010-04-12 | 2010-02-17 | 2009-12-11 | 2009-08-31 | 2009-06-25 | 2009-02-26 | 2009-01-14 | 2008-11-20 | 2008-11-14 |
| | Number of Days Pending | 858 | 876 | 914 | 954 | 1,024 | 1,070 | 1,154 | 1,182 | 1,218 | 1,222 |

Ten Oldest Consultations:

16. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No, DHS did not close the 10 oldest consultations at the end of FY 2013.

17. 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 2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

DHS closed six of the 10 oldest consultations in FY 2014, and 78 percent of the 10 oldest administrative consults for all the Components combined. Table 7 below shows in red which consultations from the Fiscal Year 2013 Annual FOIA Report are open through December 2014.

Table 7. Ten Oldest Pending Consultations as Reported in the 2013 Annual FOIA Report

| Component | Sub-Row Heading | 10th | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Request |
|-----------|------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|----------------|
| CBP | Date of Receipt | 2013-06-10 | 2013-05-22 | 2013-05-07 | 2013-02-21 | 2013-01-11 | 2012-12-13 | 2012-06-28 | 2012-05-31 | 2012-04-10 | 2012-03-16 |
| | Number of Days Pending | 79 | 91 | 102 | 155 | 182 | 201 | 316 | 336 | 372 | 389 |
| CRCL | Date of Receipt | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FEMA | Date of Receipt | N/A | 2013-09-13 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 |
| FLETC | Date of Receipt | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| I&A | Date of Receipt | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

- OIG issued interim responses for the majority of cases in the backlog, but did not track this information.

23. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014? If so, please provide the total number of times exclusions were invoked.

No, DHS did not invoke a statutory exclusion.

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

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Delores J. Barber
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Department of Homeland Security Component FOIA Officers

Privacy Office
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Senior Director, FOIA Operations
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Office for Civil Rights and Civil Liberties
Aeron Pineiro
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