



Department of Homeland Security

2021 Chief Freedom of Information Act Officer Report

May 2021



Homeland
Security

Executive Summary

The Department of Homeland Security (DHS) Freedom of Information Act (FOIA) program is the largest in the Federal Government – in Fiscal Year 2020, more than 600 FOIA personnel processed about 400,000 requests – releasing more than 30 million pages of records that shed light on agency operations.

The DHS Privacy Office, led by the Chief Privacy Officer (who is also the Chief FOIA Officer), is responsible for FOIA policy, program oversight, training, and the efficacy of the DHS FOIA program. The DHS Privacy Office leadership meets regularly with DHS leadership and provides regular updates regarding progress toward meeting the Department’s FOIA performance measures. These performance measures assist Components in increasing responsiveness to requesters, promoting transparency, driving down the overall age of the backlog, and identifying potential resource gaps.

The DHS FOIA program is managing a variety of challenges that include decentralization, staffing and resource limitations, and an outdated FOIA IT infrastructure that is further stressed by increases in the volume and complexity of the Department’s information. Additionally, while DHS FOIA operations quickly pivoted to an all telework environment in the wake of the COVID-19 outbreak with minimal disruptions, there are some workflows that require an in-office presence.

In March 2020, the DHS Privacy Office published the 2020-2023 Departmental FOIA Backlog Reduction Plan. Whereas most backlog reduction plans are focused on short-term efforts to reduce the backlog, this plan addresses chronic issues that contribute to the DHS FOIA backlog. The plan lays out a blueprint for steps the DHS FOIA program will take in order to improve service to the public and the Department, invest in our employees, upgrade the FOIA Information Technology (IT) infrastructure, and strengthen the FOIA regulatory and policy framework.

In response to questions from the Department of Justice (DOJ) seeking an update on DHS’s efforts to improve FOIA compliance and implement the Attorney General’s FOIA guidelines, the report that follows describes progress DHS has made on this ambitious agenda and other initiatives in greater detail.

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

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

A. Steps Taken to Apply the Presumption of Openness

The presumption of openness is the guiding principle underlying the Department of Justice's (DOJ) Freedom of Information Act (FOIA) guidelines.

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

FOIA Leadership

1. FOIA requires each agency to designate a chief FOIA officer who is a senior official at the assistant-secretary level or equivalent. Is your agency's chief FOIA officer at this level?

Yes.

2. Please provide the name and title of your agency's chief FOIA officer.

Lynn Parker Dupree, Chief Privacy Officer.

FOIA Training

3. FOIA directs chief FOIA officers to ensure FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has taken to ensure FOIA training is made available and that agency personnel adhere to it.

Investing in employees, such as expanding training opportunities, is a cornerstone of the 2020-2023 Departmental FOIA Backlog Reduction Plan. In addition to expanding training for employees, the plan's goals include establishing Government Information Specialist (FOIA) career paths; automating routine work so employees can focus on more complex tasks; and changing the culture of the FOIA employee-stakeholder relationship through engagement. The DHS Privacy Office, under the leadership of the DHS Chief Privacy Officer/Chief FOIA Officer, regularly organizes FOIA training events on DHS-specific topics and procedures and makes FOIA training materials available to DHS FOIA staff. The DHS Privacy Office also requires Components to report the percentage of FOIA staff who have completed the DOJ FOIA training for FOIA professionals' online module in monthly oversight reports.

The DHS Privacy Office provides on demand training to Component employees on specific topics. Over the last year, DHS provided training to employees at U.S. Customs and Border

Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS) on a variety of pressing topics, including the White House consultation process and the reporting of significant requests.

The DHS Privacy Office regularly organizes quarterly training sessions that are open to FOIA employees from all Components. The DHS Privacy Office also worked with the Federal Emergency Management Agency (FEMA) to provide an hourlong training on responsiveness, with a particular on recent updates to case law and DOJ Office of Information Policy (OIP) guidance. In February 2020, the DHS Privacy Office worked with the DOJ OIP to host a daylong FOIA refresher training session. Nearly 30 DHS FOIA professionals who represented several Components attended the session, which was crafted for newer employees or employees that need a refresher on basic topics.

In early March, the DHS Privacy Office worked with the Office of General Counsel to develop and co-host an inaugural session of a training session designed for DHS information law attorneys and the DHS Privacy Office staff; the Office of General Counsel designed this session to assist attorneys in advising clients on common FOIA issues and representing the agency's interest in FOIA litigation.

In 2019, the DHS Privacy Office coordinated with the Department of Treasury to launch the Joint Sunshine Week FOIA Training Summit. The event features one day of agency-specific training and one day of joint training. Since inception, the event has expanded to also include FOIA personnel from the Consumer Financial Protection Bureau (CFPB) and the National Aeronautics and Space Administration (NASA). Most federal agencies moved to a maximum telework posture in 2020 to combat the spread of COVID-19 prior to the summit. Accordingly, the DHS Privacy Office quickly pivoted to make the content available online. Over the next few weeks, the DHS Privacy Office used Adobe Connect to virtually record the scheduled training classes and provided DHS FOIA staff, the co-organizers at Treasury, as well as CFPB and NASA, with links to the sessions.

The DHS Privacy Office also maintains a repository of FOIA training materials on DHS Connect, the Department's intranet system. The page features information about upcoming training opportunities. The DHS Privacy Office also uploads training slides and other materials from all training sessions to the page. The page is also a central repository for the DHS FOIA Professionals Newsletter, a bi-monthly newsletter featuring updates on FOIA-related matters and a DHS FOIA Employee Spotlight.

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

Yes.

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

Components provided the following responses:

United States Customs and Border Protections (CBP):

- Attended the annual DOJ/Office of the Inspector General (OIP) training for FOIA professionals where topics included an overview of FOIA, exemptions and proper application, fee-waiver determinations, fee categories, and requests for expedited treatment.
- Presented annual FOIA training for FOIA professionals. Topics included an overview of FOIA, exemptions and proper application, fee-waiver determinations, fee categories, and requests for expedited treatment.
- Conducted numerous internal trainings for non-FOIA professionals. Topics included the search-and-retrieval process, use of the FOIA online system, and redaction of certain non-traveler requests.
- Hosted two representatives from the DHS Privacy Office to provide training on identifying White House equities.

Federal Emergency Management Agency (FEMA):

- Staff attended training at DOJ, the DHS Privacy Office, the American Society of Access Professionals (ASAP), and Graduate School USA.

Federal Law Enforcement Training Centers (FLETC):

- Staff attended Graduate School USA FOIA/Privacy Act virtual instruction.

Office of Intelligence and Analysis (I&A):

- Staff attended the following courses:
 - DOJ Advanced Freedom of Information Act Seminar
 - DOJ Annual FOIA Report Training
 - FOIAXpress Training
 - In-house training on FOIA Exemption 5 and the foreseeable harm standard

U.S. Immigration and Customs Enforcement (ICE):

- U.S. Immigration and Customs Enforcement personnel attended a variety of FOIA trainings that DOJ provided. ICE conducted two sessions of substantive FOIA training for office staff covering office processes, specific exemptions, and specific types of cases.

Office of the Inspector General (OIG):

- All members of the FOIA unit attended at least one DOJ OIP training during the reporting period and took the online Freedom of Information Act Training for Professionals training.

DHS Privacy Office:

- Staff attended the American Society of Access Professionals (ASAP) virtual National Training Conference.

United States Coast Guard (USCG):

- Staff attended the following courses:
 - DHS Sunshine Week Training
 - Office of the Director of National Intelligence (ODNI) FOIA Training
 - Advanced FOIA Training
 - DHS Homeland Security Law Training
- USCG Legal Services Command provided FOIA training on the application on exemptions and processing requirements to multiple units and offices.

United States Citizenship and Immigration Services (USCIS):

- FOIA staff attended both classroom- and virtual-style training conducted by in-house trainers. Topics included the following:
 - Significant Interest Group (SIG) Team Training
 - Application of FOIA statute and DHS regulations
 - Types of SIG requests and lifecycle of a FOIA request
 - Properly presented FOIA requests and FOIA acknowledgment requirements
 - Treatment of referrals and consults
 - Principles for negotiation of FOIA requests
 - Complex and simple staffing for records responsive to FOIA requests
 - Application of Exemption (b)(5) and foreseeable harm considerations
 - Appeal of FOIA requests
 - Litigation-related issues associated with FOIA requests
 - Proper maintenance of the FOIA case file
 - eDiscovery software training
 - A-File Operations training
 - New Processor Training
 - Local Law Enforcement Documents – Monthly Refresher
 - Processing a Deceased Person’s File – Monthly Refresher
 - New ICE Processing Policy
 - ICE Refresher
 - TECS Training
 - Policy Update Training
 - ICE Bond Documents
 - Misc. Policy Items
 - IJ Orders – Monthly Refresher
 - FIRST/RAILS Interface
 - Misfiled Documents – Monthly Processing Refresher
 - Case Create Training

- FAL Inserts – Monthly Processing Refresher
- I-213 – Monthly Processing Refresher

Transportation Security Administration (TSA):

- Conducted FOIA training for newly appointed FOIA point of contacts (POCs) and annual FOIA POC training for current FOIA POCs via WebEx. Topics included basic understanding of FOIA procedural requirements, conducting a search for records, completing the tasking sheet, and required fees.
- Required all FOIA personnel to complete the DOJ FOIA Training for Professionals module online.
- Completed DHS Sunshine Week training via WebEx.
- Briefed TSA leadership upon request concerning the FOIA process and its requirements.

United States Secret Service (USSS):

- Staff attended the following courses:
 - DOJ – Artificial Intelligence for FOIA Professionals
 - ASAP Webinars – FOIA Procedural Overview, Exemptions 5 and 7
 - PALMS – LIA2023 FOIA Training for Professionals

6. Provide an estimate of the percentage your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period. Virtually all DHS FOIA professionals completed the DOJ FOIA Training for FOIA Professionals module in the Learning Management System.

The table below outlines the progress percentage of agencies that have completed FOIA trainings during this reporting period.

Component	Completion Percentage
CBP	100%
FEMA	50%
FLETC	100%
I&A	100%
ICE	100%
OIG	100%
PRIV	100%
USCG	30%
USCIS	100%
TSA	100%
USSS	100%
DHS Total	99%

7. OIP directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80 percent of your FOIA professionals attended training, please explain your agency’s plan to ensure all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

Components that reported less than 80 percent provided the following responses:

FEMA:

- FEMA cancelled most training due to the pandemic; however, FOIA staff have already begun identifying FOIA training for the upcoming fiscal year.

USCG:

- The USCG worked on adding the Federal FOIA Training for Professionals course to its Learning Management System to provide FOIA personnel throughout the country with some annual training requirements.
- Promoted in-person and virtual-training opportunities through DOJ, DHS, United States Agency for International Development (USAID), and other organizations.

Outreach

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

The DHS Privacy Office makes it a priority to engage with the requester community and open government groups. The Joint Sunshine Week Training Summit, which is open to all DHS FOIA employees, includes a panel discussion with FOIA requesters. This session provides insight into requesters’ points of view and encourages understanding between requesters and FOIA professionals. The DHS Privacy Office also worked with Open the Government, a coalition of open government groups, to set up a brown-bag discussion regarding the 2020-2023 DHS Departmental FOIA Reduction Plan. Additionally, the DHS Privacy Office makes its FOIA Public Liaison available to requesters who have questions or concerns with Component FOIA offices. The DHS Privacy Office FOIA Public Liaison will reach out to the Component on the requester’s behalf or mediate a discussion between the requester and the Component as appropriate.

Components provided the following responses:

CBP:

- Provides the main FOIA Office phone number on all letters. This number is used to provide high-level status requests and, when necessary, provide redress to issues FOIA appeals do not cover.
- Staff contact requesters when the request is voluminous or unclear.

FEMA:

- Contacts requesters to educate them on the FOIA process.

I&A:

- Engaged with the I&A FOIA requester community to better understand requests and to assist in timely processing. These interactions provided insight into the requesters' priorities so that responses could be tailored to best suit their needs.

OIG:

- Consistently reach out to FOIA requesters by calling or emailing to discuss the scope of requests for clarification and to provide updates to requesters upon request. OIG FOIA also maintains a FOIA hotline where members of the public or requesters may call to discuss FOIA and/or to learn about the status of their request, and a FOIA inbox is used for the same purpose. This strategy not only assists the requester in receiving a timely and focused response but also helps to reduce the volume of records necessary for processing, which in turn helps to reduce OIG's backlog of requests.

USCIS:

- The USCIS FOIA Significant Interest Group reached out to FOIA requesters to clarify and discuss the scope of requests and provide status updates, thereby promoting openness and confidence within the requester community. The Significant Interest Group also worked with requesters to help them understand the types of records USCIS maintains and how requests may be narrowed to ensure accurate and efficient retrieval of records.
- As part of the Government 2 University Initiative, the SIG and FOIA operations chiefs met with participants of the Kansas University Capstone Project to present communication issues associated with the administration of FOIA. The participants submitted a final project to USCIS that provided concepts and ideas to improve communication, which has served as a launching pad for several FOIA proposals.

TSA:

- Contacted FOIA requesters via email or phone for clarification and to discuss scope of requests and provide status updates. The office also follows up with requesters on backlogged requests and works with them to narrow the scope for overly broad requests.

USSS:

- Spent more effort this past year communicating with a particular group of requesters, i.e., applicants, who often ask questions about their application without specifically

mentioning documents. The USSS is trying to delineate between applicants who really want the documents or want answers to their questions to minimize the amount of time spent on cases that are not real FOIA requests.

Other Initiatives

9. Describe any efforts your agency has taken to inform non-FOIA professionals of their obligations under FOIA.

The Privacy Office provides FOIA training on-demand to HQ-level offices and participates in bi-weekly new-employee training. In 2020, the DHS Privacy Office provided FOIA training to the latest group of officials in the Senior Executive Service and to members of the Presidential Transition Office.

Components provided the following responses:

CBP:

- Interacts regularly with CBP employees who have been assigned FOIA as a collateral duty at their location through email and meetings. The focus is on use of the FOIA online system, conducting proper records searches, and their duties and responsibilities under FOIA.

FLETC:

- FLETC works closely with non-FOIA professionals when responding to requests.

ICE:

- ICE FOIA participates in the agency's new-hire onboarding sessions. ICE FOIA provides a program overview and an introduction to an agency employee's responsibility under FOIA. This includes an overview of record types that may fall under FOIA as well as an employee's responsibility to conduct a search of those records if tasked. The information concludes with a description of the FOIA life cycle and a walk-through of how ICE responds to FOIA requests and how the agency may be penalized for non-compliance.

OIG:

- Trained OIG employees in each program office who most frequently receive FOIA search requests. These trainings focused on the importance of running and documenting efficient and comprehensive FOIA searches.

USCG:

- Train all new USCG employees on FOIA and its policies and guidelines during new-employee orientation.

USCIS:

- Trained Program Office liaisons to address Program Office responsibilities pursuant to FOIA, answer commonly asked questions, and provide instruction regarding appropriate delivery of potentially responsive records.

TSA:

- Conducted annual FOIA point-of-contact training.
- Conduct FOIA training upon request from airports and program offices regarding the FOIA process.

USSS:

- Educated USSS personnel who are new to conducting FOIA searches for documents or reviewing FOIA redactions prior to release.

10. Optional -- If there are any other initiatives undertaken by your agency to ensure it is applying the presumption of openness, please describe them here.

The Joint FOIA Training Summit of 2020, which was provided in a virtual format, included a feature session on recent case law regarding the presumption of openness. Richard Huff, the former co-director of the Office of Information and Privacy (now Office of Information Policy), led the session. All DHS employees have access to a recorded version of this session via the DHS FOIA Employee Training Resources page on DHS Connect.

Components provided the following responses:

FEMA:

- OpenFEMA web portal provides the general public with a large dataset related to many of the agency's operations. This data is available to all members of the public and does not require special authorization to access it.

I&A:

- Audit the FOIA program and draft additional updates to policy and guidance documents.

TSA:

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

USSS:

- Monitor incoming FOIA requests and inform the USSS chief disclosure officer of trends in the request content.
- Identify common records office searches produce that could be used to respond to multiple requests seeking the same and/or similar records.

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

The DOJ's FOIA Guidelines emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

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

1. For Fiscal Year 2020, what was the average number of days your agency reported adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2020 Annual FOIA Report.

The average number of days was 34.

2. If your agency's average number of days to adjudicate requests for expedited processing was above 10 calendar days, please describe the steps your agency will take to ensure requests for expedited processing are adjudicated within 10 calendar days or less.

More than half of the Components reported adjudicating requests for expedited processing in less than 10 days on average. DHS regularly provides free training opportunities for DHS FOIA employees throughout the year, including a refresher course led by DOJ that covers the law's administrative requirements. The requirement to adjudicate requests within the statutory time limit is also covered by the FOIA training module available in the Department's Learning Management System; furthermore, all FOIA employees are required to complete this training module on an annual basis.

The DHS Privacy Office will continue to make FOIA professionals aware of these requirements and encourage Component FOIA officers to ensure they identify and adjudicate any requests for expedited processing during the intake process.

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

Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

The DHS Privacy Office maintains a robust oversight program of Department FOIA operations. The DHS FOIA Reporting Program is formalized in DHS Compliance Instruction 262-11-002:

FOIA Reporting Requirements.² The Instruction requires that Components regularly report on significant FOIA requests and that they provide monthly updates on key FOIA statistics, including the number of requests and appeals received and processed and the age of all pending requests. The DHS Privacy Office compiles the monthly statistics into a DHS FOIA Monthly Report and analyzes these reports to identify any potential operational issues or opportunities for the DHS Privacy Office to assist Components with handling particular bottlenecks or with backlog-reduction efforts. In Fiscal Year 2020, the DHS Privacy Office assisted TSA with logging in requests and assisted CBP and ICE with eliminating almost 20,000 requests from the backlog.

The DHS Privacy Office also monitors Component performance against annual performance metrics. These metrics require Components to process at least as many requests during the previous fiscal year in order to increase the number of pages reviewed and released, reduce the backlog, and close requests more than 120 days old. The DHS Privacy Office uses the monthly statistics provided by Components to create a one-page snapshot of Component FOIA performance. This one-page snapshot is reviewed by Component FOIA officers and then provided to all DHS chiefs of staff.

Additionally, the DHS Privacy Office continues to leverage the OIP Self-Assessment Toolkit. In this reporting period, the DHS Privacy Office required Components to complete certain modules of the Self-Assessment. The DHS Privacy Office compiles responses to the modules to identify any shared challenges and opportunities to implement best practices to improve operations.

CBP:

- Conducted an employee survey on new goals for processing requests that are used to manage the workflow in the office as well as staff performance
- Completed the DOJ Self-Assessment for 2020 modules 1 – 5
- Ran frequent reports to track the efficiency of FOIA staff

I&A:

- Reviewed several parts of the process, including document searches, triage requests, and backlog reduction. I&A relies upon quality-control metrics that are constantly monitored and assessed.

ICE:

- ICE FOIA is updating standard operating procedures (SOPs) to better utilize the available technology and ensure efficiencies. Periodic sweeps of the system are performed to ensure all cases are at the correct stage of their workflow and actively worked.

USCG:

² See: <https://www.dhs.gov/sites/default/files/publications/FOIA%20Reporting%20Requirements.pdf>.

- Conducted a self-assessment of FOIA processing that included the following: reviewed how units conducted record searches, consultations and referrals, and response letter templates.

USCIS:

- Assesses the strength of the FOIA program by reviewing Annual Report data and modifying workflows and processes where necessary. The last OIP Self-Assessment was conducted in the previous reporting period.

TSA:

- Established processing plans to close the 10 oldest requests, process and close the remaining consultations, and open 2014 and 2015 requests. Used metrics to monitor and track the number of pending cases closed throughout FY20.

USSS:

Drafted a revised standard operating procedure. **4. Standard Operating Procedures: Having SOPs can improve the consistency and quality of an agency's FOIA process. In addition, describing an agency's standard practices for handling FOIA requests on agency FOIA websites can help requesters better understand how their request will be handled.**

- a) Does your agency have SOPs that outline general processes for handling FOIA requests and appeals?**
- b) If not, does your agency have plans to create FOIA SOPs?**

Components provided the following responses:

CBP:

- Yes.

FEMA:

- Yes. FEMA has an SOP that is reviewed and updated as applicable annually. It captures every aspect of how our agency processes all types of information requests the Disclosure Branch processed.

FLETC:

- FLETC follows the guidance provided in the FOIA Compliance Policy Directive 262-11 and 5 U.S.C. 552; 6 CFR Part 5 for handling FOIA requests and appeals.

I&A:

- Has SOPs and conducts annual reviews.

ICE:

- Yes, there is an extensive office SOP that is updated frequently. The SOP covers each stage of the FOIA life cycle so that new and existing employees have a documented step-by-step guide to the workflow and processes. This includes multiple incoming request trajectories and tracking, and even different methods of closing and responding to requests (i.e., via email or postal mail).

PRIV:

- FOIA processes were altered several times during the reporting period to account for the move to a full-time telework environment and the eventual return of some employees to the office. SOPs will be reviewed and updated accordingly once work conditions normalize.

TSA:

- Yes, there is an SOP for the intake of FOIA requests as well as how to log and process an appeal. SOPs also cover how to process certain types of records; for example, how to process contracts, background investigations, and submit records for sensitive security information review.

USCG:

- Yes, USCG has SOPs and guidelines for both.

USCIS:

- USCIS has detailed SOPs for both case creation and FOIA processing. These primary resource tools are routinely reviewed and updated, whenever needed, as a result of either a legislative change or a change in process.
- The USCIS website contains information for the public on how to file a FOIA request, how USCIS processes a FOIA request, and how to appeal the handling of a FOIA request.

USSS:

- USSS drafted a revised SOP and hopes to finalize it this fiscal year.

c) If yes, how often are they reviewed/updated to account for changes in law, best practices, and technology?

Components provided the following responses:

CBP:

- SOP is reviewed every two to three years.

FEMA:

- The SOP is reviewed annually.

ICE:

- SOP is reviewed and updated at least once a year. Additional updates are made as needed due to Court rulings or changes in technology.

PRIV:

- SOPs are regularly reviewed and updated as necessary.

TSA:

- SOPs are reviewed annually and updated as needed.

USCG:

- SOPs are updated whenever there are changes to processes or laws and to ensure comprehension of the guidelines and policies, as well as the simplification of processing.

USCIS:

- SOPs are routinely reviewed and updated, whenever needed, as a result of either a legislative change or a change in process.

USSS:

- Plans to review and update it on a more frequent basis, especially when there are changes in the law, best practices, and technology.

d) In addition to having SOPs, does your agency post or otherwise describe your standard processes for handling requests on your website?

Components provided the following responses:

CBP:

- Yes.

FEMA:

- The general process is described on the DHS and FEMA websites.

FLETC:

- FLETC describes its process at <https://www.fletc.gov/guide-foia-privacy-act>.

ICE:

- The ICE FOIA website provides a brief overview of what to expect when submitting a FOIA request to the agency's FOIA office at <https://www.ice.gov/foia>.

PRIV:

- The procedures are described on our website at <https://www.dhs.gov/steps-file-foia>.

TSA:

- Yes, guidance is posted on TSA.gov on how to submit a FOIA request and how to submit a Privacy Act request. A question-and-answer session on the website answers various questions requesters may have.

USCG:

- The FOIA website contains the link to the USCG FOIA Manual that outlines the processing requests.

USCIS:

- The USCIS website contains information for the public on how to file a FOIA request, how USCIS processes a FOIA request, and how to appeal the handling of a FOIA request.

USSS:

- The website and FOIA Reading Room are being revamped.

5. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of

the number of times requesters sought assistance from your agency’s FOIA Public Liaison during FY 2020. (Please provide a total number or an estimate of the number.)

DHS FOIA operations are decentralized. Components are responsible for managing their FOIA operations and responding to inquiries from requesters, subject to oversight by the DHS Privacy Office. In addition to responding to inquiries regarding records request processed by the DHS Privacy Office, the DHS Privacy Office FOIA Public Liaison regularly responds to inquiries regarding Component requests.

Agencies	Number of Time Requesters Sought Assistance from the FOIA Public Liaison
CBP	2,741
FEMA	100
FLETC	40
I&A	20
ICE	24
OIG	15
PRIV	110
TSA	20
USCG	750
USCIS	5,400
USSS	50
DHS TOTAL	99

6. Does your agency frequently receive common categories of first-party requests? If so, please describe the types of requests and if your agency has explored establishing alternative means of access to these records outside of the FOIA process.

Components provided the following responses:

CBP:

- Common first-party requests include traveler requests, employees seeking job/position information on themselves, and employee background investigations.

FEMA:

- Common first-party requests include claims records submitted by disaster survivors or records submitted by flood-insurance policy holders.

FLETC:

- Most common requests are for personal training records, i.e., transcripts, for which a contractor processes the request according to the Privacy Act.

ICE:

- ICE receives many first-party requests for detention and deportation records. Through relationships with the ICE Enforcement and Removal Operations, ICE FOIA can quickly search for and process records in response to these requests. No alternative methods of providing these records have been explored.
- ICE receives most of its first-party requests in the form of alien-file referrals from USCIS. Due to the nature of these files and their law-enforcement purpose, there have been no alternatives proposed to an individual requesting his or her ICE records contained in these files. However, in May 2020, ICE FOIA put in place a memorandum of agreement (MOA) with USCIS. This MOA allows USCIS to process ICE records. Once processed, ICE reviews and allows USCIS to respond directly to requestor. This agreement will significantly reduce the response time to the requestor for this type of request.
- Additional agency first-party requests include personnel and investigative files. These files can be requested directly through the Office of Professional Responsibility and go through a different process than ICE FOIA requests. The records are reviewed for law-enforcement-sensitive information by designated FOIA employees, but the FOIA is not applied.

PRIV:

- The DHS Privacy Office realigned FOIA operations for the Office of Biometric Identity Management (OBIM) into its operations in FY 2020. OBIM regularly processes requests based on fingerprint-scan cards. These requests are regularly submitted by requesters seeking certain immigration-related files about themselves.

TSA:

- Common first-party requests include background investigations, denial and approval of Transportation Worker Identification Credential (TWIC) applications, redress applications, and investigations of wrongdoing as well unsubstantiated claims of wrongdoing. TSA is working with the Security and Administrative Services (SAS) Program to determine which records are created by TSA and which records the Department of Defense would have as part of the background investigation. This may eliminate the FOIA Program having to task SAS for these records.

USCG:

- Most requests are for records regarding employment such as emails, memos, logs, internal investigations, or actions taken. The USCG also receives requests from

individuals seeking their own Merchant Mariner files, records regarding marine casualties, and intelligence records.

USCIS:

- Most requests are filed by individuals seeking access to their own immigration file. As USCIS moves to the electronic filing of immigration forms, submitters will have access to all applications, petitions, and supporting documents provided to the agency through a my.USCIS account, thus reducing the reliance on FOIA for access to immigration documents.

USSS:

- Common first-party requests include job applicants and inmates or others believing the USSS investigated or performed surveillance on them.

7. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?

The DHS FOIA Regulation was published as required on November 22, 2016.

8. Please explain how your agency worked to mitigate the impact of the COVID-19 pandemic on FOIA processing. Examples could include but are not limited to altering workflows, implementing new technology, providing notices and instructions or otherwise communicating directly with requesters.

The DHS Privacy Office advised Components to update their FOIA webpages to encourage requesters to avoid delays by submitting requests online and ensured that Components were aware of and following OIP's guidance regarding FOIA processing during the COVID-19 pandemic. The DHS Privacy Office also invested significant resources into the launch of the DHS FOIA Public Access Link (PAL), a portal that enables requesters to create accounts to submit and track requests, as well as download released records. PAL is now in use at all DHS Components that participate in the DHS Privacy Office's enterprise-wide FOIA-processing solution, FOIAXpress. In addition to helping requesters avoid delays, PAL significantly decreases the administrative burden associated with FOIA.

CBP:

- Since the FOIA Office was closed, calls were forwarded to staff laptops. In addition, requesters were encouraged to submit requests online. See <https://www.cbp.gov/site-policy-notices/foia>.

FEMA:

- FEMA designates all COVID-19 requests as a priority. We include notices in our acknowledgement letters and on our website to let the public know to anticipate a delay

in our response due to the pandemic. FEMA coordinated with DHS to establish a separate track within the FOIA database for COVID-related requests in order to organize and isolate these requests for better tracking. Our FOIA staff members are working with the portions of our agency that were involved in responding to the pandemic and proactively identifying COVID record repositories within the agency so that the search time needed to collect records is reduced.

FLETC:

- In response to the COVID-19 pandemic, FLETC implemented daily calls with staff to ensure a consistent flow.

I&A:

- I&A identified requests seeking similar records and developed a plan to respond to all of the requests with a series of interim releases. Requesters were notified in the acknowledgement letter that their requests were similar to several others and that the released records would cover all of the requests.

ICE:

- ICE FOIA has tried to mitigate the impact of COVID-19 on daily operations. Telework was implemented full-time across the office. In order to maintain productivity levels, ICE FOIA offered additional office equipment and supplies for employees to take home while working remotely. Workflows have been altered slightly to ensure that all incoming mail is still sorted and opened in a timely fashion. This is done on a rotating schedule of employees working in the office. The workflows for cases requiring hard-copy mailing has also been re-worked so that designated staff close out these cases in the office on a rotating basis, as opposed to processors all mailing their own cases, since that requires in-office attendance. ICE FOIA has been able to maintain its closing rates during this time due to these minor changes. In order to ensure the messaging across the office is the same, supervisors meet frequently with the FOIA officer to discuss any personnel, policy, or workflow changes.

PRIV:

- In the weeks prior to the declaration of a public health emergency, the DHS Privacy Office focused on building a stockpile of scanned requests and records that could be processed in a completely telework environment. The DHS Privacy Office also leveraged its staff and resources to process a large volume of ICE referrals from USCIS that ICE did not have the capacity to handle.
- The DHS Privacy Office's ability to process immigration records maintained by OBIM was significantly affected by the safety precautions taken to protect community and workforce safety due to COVID-19. The office experienced a backlog of approximately 30,000 requests sent via physical mail while in a full telework posture. Additionally, PRIV could not process requests that required a fingerprint-scan card, which must be processed in the office due to technical limitations. PRIV added information to its

website and acknowledgement letters encouraging requesters to avoid delays by filing requests online and shared information about the delays in processing immigration related requests with the American Immigration Lawyers Association (AILA).

TSA:

- The TSA FOIA branch increased telework to five days per week, and one analyst goes into the office once a week to check the mail and scan in new correspondence.

USCG:

- The processing of incoming FOIA requests by mail was maintained by personnel who returned to the office. A SharePoint site was created for offices to upload large response packages for review and coordination by the policy office.

USCIS:

- Thanks to a web-based FOIA-processing system, along with a robust telework program, USCIS was able to expeditiously transition to a 100 percent remote work environment in March 2020. This allowed USCIS to continue processing the majority of FOIA requests without a break in service.

USSS:

- In late March 2020, USSS transferred all employees to 100 percent telework, and provided updated contact information on the website and telephone to submit requests via email instead of physical mail since we would have limited ability to check the mail.
- To mitigate the impact of the COVID-19 pandemic on FOIA processing, USSS instituted a new process for program office reviews, replacing hard-copy binders with electronic binders. They are emailed to the FOIA point of contact who reviews them, signs them, then uploads them into FOIAXpress.

9. Optional -- Please describe the following:

- **Best practices used to ensure your FOIA system operates efficiently and effectively**
- **Any challenges your agency faces in this area**

Components provided the following responses:

FEMA:

- FEMA still relies on burning CDs to release voluminous record sets to the public, which consumes more time and resources than a file transfer protocol transfer would. The e-discovery software does not have the ability to accommodate a large volume of potentially responsive records. As a result, staff must process these requests in batches, delaying response time.

I&A:

- In recognition of “Sunshine Week,” I&A emailed staff to highlight the importance of the FOIA as well as maintaining transparency and openness.

TSA:

- Experiencing virtual private network connectivity issues because of the overload of employees using the system.
- Sending out responses over 50 MB has been a challenge as well.

C. Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

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 your agency taken to make and improve proactive disclosures of information.

1. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

Components provided the following responses:

CBP:

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

FEMA:

- FOIA logs are available at <https://www.dhs.gov/fema-foia-library>.
- Frequently requested contracts are available at <https://www.dhs.gov/publication/fema-records>.

FLETC:

- See response at https://www.fletc.gov/sites/default/files/fy_19_foia_log_redacted.pdf.

ICE:

- FOIA proactively discloses all ICE facility-inspection reports from the Office of Professional Responsibility's Office of Detention Oversight. These records, while not reviewed under the FOIA, are reviewed by the FOIA Office for Law-Enforcement Sensitivity, and as a result are proactively posted by the FOIA Office to our online library. ICE FOIA follows the same process for Prison Rape Elimination Act reports. Both offices must post these reports in accordance with congressional mandates, and FOIA assists with this. As such, anytime a report of this nature is requested, FOIA likely already posted it.

OIG:

- OIG has proactively disclosed its FOIA logs to its FOIA Reading Room located at <https://www.oig.dhs.gov/foia/reading-room>.

PRIV:

- The DHS Privacy Office published updated FOIA logs for Privacy Office records (<https://www.dhs.gov/publication/dhs-privacy-foia-logs>), CISA (<https://www.dhs.gov/nppd-foia-logs>), OBIM (<https://www.dhs.gov/obim-foia-logs>), and the Federal Protective Service (<https://www.dhs.gov/federal-protective-services-foia-reading-room>).
- The DHS Privacy Office also published several new collections of records of high interest to the public, including the Office for Civil Liberties and Civil Rights investigations (<https://www.dhs.gov/publications-library/collections/crcl-onsite-investigation-memos>), COVID-19-related records (<https://www.dhs.gov/publication/covid-19-outbreak-related-records>), and protest-related records (<https://www.dhs.gov/publication/civil-unrest-and-disturbance-records>).

TSA:

- Posted throughput data, FOIA logs, and TSA Contact Center (TCC) quarterly reports (<https://www.tsa.gov/foia/readingroom>).

USCG:

- In addition to FOIA logs, the USCG also posted the following:
 - The incident investigation of the allusion and grounding of IYVANOUGH (<https://media.defense.gov/2020/Apr/24/2002287877/-1/-1/0/IYVANOUGH%20REPORT.PDF>)
 - Part II of the West Chop Light Investigation (<https://media.defense.gov/2020/Jun/25/2002321247/-1/-1/0/WEST%20CHOP%20LIGHT%20INVESTIGATION%20PART%202.PDF>)

USCIS:

- Posted 60 new documents during the reporting period. All posted records can be located at <https://www.uscis.gov/records/electronic-reading-room>.

USSS:

- Posted FOIA logs at <https://www.secretsservice.gov/press/foia/library/>.

2. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Yes.

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

Components provided the following responses:

CBP:

- Proactively post information that is of significant public interest.

I&A:

- I&A's FOIA reference guide is located at <https://www.dhs.gov/intelligence-and-analysis-freedom-information-actprivacy-act-office>.

ICE:

- Information or records that are posted to the online library are generally not updated unless a library document was reviewed and ICE FOIA determined additions should be made. Requests the ICE FOIA office receives are reviewed and updated accordingly, possibly resulting in the release of more information than was previously released on a similar topic.

OIG:

- OIG monitors its website to ensure materials are accessible and up to date. OIG posts frequently requested records and updates those records 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 whistleblower-protection resources. Additionally, the public can sign up for email notifications each time a new report is posted on the website.

TSA:

- Conducted bi-weekly reviews of closed cases as well as frequently requested records.

PRIV:

- The DHS Privacy Office has a list of more than 40,000 individuals who have signed up to receive email notifications regarding DHS FOIA Library additions. The DHS Privacy Office regularly uses this list to notify the public of significant disclosures that have been added to the website. Additionally, the DHS Privacy Office recently launched a presence on Twitter and shares links to FOIA disclosures using its handle, @DHS_priv

USCG:

- Reviewing the website to find ways to organize types of records posted, improve the tagging of records for word searches, and working with the Coast Guard Records office to post disposition information about frequently requested records.

USCIS:

- Redesigned the FOIA web page to facilitate use of the online portal.

USSS:

- Plans to reorganize the external FOIA website and Reading Room this fiscal year. Enhancements will include changing the naming conventions of the posted records so that requesters and others can identify records faster and easier.
- Proactively post records that have been requested multiple times.

4. Optional -- Please describe the following:

- **Best practices used to improve proactive disclosures**
- **Any challenges your agency faces in this area**

N/A

D. Steps Taken to Greater Use Technology

A key component of the FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also explore ways to use technology when responding to requests.

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

1. Please briefly describe the types of technology your agency uses to support your FOIA program. In addition, please highlight if your agency is leveraging or exploring any new technology that you have not previously reported. If so, please describe the type of technology.

The DHS Privacy Office has been a leader in implementing technologies to improve the FOIA process. Efforts to digitize the FOIA process, eliminate paper-based processes, and avoid duplicating efforts have been key to the Department's ability to increase the number of requests processed and pages released. Currently, 10 of 13 Components participate in a contracted FOIA tracking and processing solution that enables Components to share the costs of storage and IT support, avoid duplicative data entry, seamlessly transfer requests across Components, and better manage the workforce. During the current reporting period, the DHS Privacy Office built on this investment by upgrading its servers and launching the DHS FOIA PAL, which improves the

requester experience and significantly reduces the administrative burden associated with DHS FOIA.

As described in previous reports, the DHS Privacy Office continues to make progress in the acquisition of a contract for a FOIA-processing solution that can serve the Department's future needs. The solution will include several key scalable features, including advanced processing power in the form of advanced e-discovery tools and interoperability with other processing solutions.

Components provided the following responses:

CBP:

- Exploring new video-redaction software to effectively handle audio and video footage responsive to FOIA requests.

FEMA:

- Uses FOIAXpress for processing; researching e-discovery software and secure file transfer software to procure.

FLETC:

- Uses SharePoint to collaborate with offices to provide responsive records.

I&A:

- Uses FOIAXpress.
- All I&A databases are subject to FOIA searches. I&A staff search the appropriate database(s), including internal and external websites, to determine the existence of responsive records. Staff also conduct generalized internet searches to determine the public availability of responsive records.

ICE:

- ICE FOIA uses FOIAXpress as a complete case management tool.
- In addition to the above-listed technology, ICE FOIA uses Relativity. Relativity is typically used as a litigation review platform but has the capacity to process large amounts of data. Through the use of Relativity, ICE FOIA is often able to reduce the size and amount of records that are actually responsive and turned over during a custodian's search for records. This is most often used in FOIA litigation cases where the requester is seeking mass amounts of emails and data. The use of email threading and de-duplication is helpful in getting the requester the records they are seeking and reduces the time it takes processors to apply the FOIA to records and respond.
- In addition to the above-listed technologies, ICE utilizes Visual Labs audio- and video-redaction software. Visual Labs is used as a review platform that has the capacity to process audio and video files. ICE FOIA is able to alter the sound of voices, remove

sections of audio, and blur faces in order to protect the privacy of those captured on the recordings.

- ICE FOIA signed a MOA with USCIS authorizing ICE FOIA personnel to use the USCIS software FIRST. This allows ICE processors to remotely review ICE records within FIRST. This saves time spent by USCIS re-routing ICE portions of A-files. Through this collaboration, requesters receive one final response instead of a two-part response in a timelier manner.

OIG:

- OIG is leveraging the e-discovery database, Relativity, to handle voluminous requests or requests involving employee emails. This platform can process 90 percent of files into images, allowing for redaction overlays. Additionally, with fields available for coding, Relativity can also process records for litigation and can be leveraged to assist in the production of a Vaughn Index.

USCG:

- Uses FOIAXpress for tracking and reporting; USCG obtains licenses through DHS.

USCIS:

- Uses a web-based end-to-end FOIA-processing system called FIRST to respond to requests, as well as e-discovery software to de-duplicate and cull responsive records.

TSA:

- Implemented PAL for individuals to submit FOIA requests; it streamlines the process of logging in requests and makes it easier to communicate with the requesters and send records.

USSS:

- Uses FOIAXpress for all parts of the FOIA process. Also use Discovery Accelerator to search emails for responsiveness.
- Exploring PAL, an add-on to FOIAXpress that allows requesters to upload their own FOIA requests and receive their documents directly. This will save time spent on entering new requests and delivering the documents.

2. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

All DHS Components report regularly reviewing FOIA websites.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2020?

Yes.

4. If your agency did not successfully post all quarterly reports in conjunction with the information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring such reporting is successful in Fiscal Year 2021.

N/A

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2019 Annual FOIA Report and, if available, for your agency's Fiscal Year 2020 Annual FOIA Report.

- <https://www.dhs.gov/foia-annual-reports>
- <https://www.dhs.gov/publication/annual-foia-report-raw-data>

6. Optional -- Please describe the following:

- **Best practices implanted for greater use of technology**
- **Any challenges your agency faces in this area**

Components provided the following responses:

USCG:

- Exploring ways to expand the use of FOIAXpress throughout the Agency to improve processing by some of our largest field offices. However, funding for licenses is difficult to obtain.

USCIS:

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

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

The Department of Justice emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses 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 10 oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's FY 2019 and 2020 Annual FOIA Reports.

Simple Track

Section VII.A of your agency's Annual FOIA Report titled "FOIA Requests – Response Time for All Processed Requests" includes figures that show your agency's average response times for processed requests. For agencies using 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 use a separate track for simple requests?

DHS FOIA regulations enable Components to use multi-track processing. Several Components report that they do use a separate track for simple requests. What qualifies as a simple request varies from Component to Component.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests 20 working days or fewer in Fiscal Year 2020?

DHS responded to simple requests in FY 2020 in an average of 34.1 days. Nine of 13 Components reported responding to simple requests in an average of less than 20 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2020 that were placed in your simple track.

Forty-five percent of requests DHS processed in FY 2020 were in the simple track.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests 20 working days or fewer?

N/A

Backlogs

Section XII.A of your agency's Annual FOIA Report titled "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 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

Backlogged Requests

5. If your agency had a backlog of requests at the close of Fiscal Year 2020, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

DHS ended the reporting period with a backlog of 36,350 requests, an increase of about 15 percent compared to FY 2019.

6. If not, did your agency process more requests during Fiscal Year 2020 than it did during Fiscal Year 2019?

DHS processed 392,516 requests in FY 2020 – a drop of about 9 percent compared to the record-setting 429,798 requests processed in FY 2019.

7. If your agency's request backlog increased during Fiscal Year 2020, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

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

The backlog increased because the DHS FOIA program is managing a variety of challenges, including decentralization, staffing and resource limitations, and an outdated FOIA IT infrastructure that is further stressed by increases in the volume and complexity of the Department's information. The number of DHS employees teleworking is placing unprecedented strain on the Department's networks and other systems. Additionally, while DHS FOIA operations quickly pivoted to an all-telework environment in the wake of the COVID-19 pandemic with minimal disruptions, there are some workflows that require an in-office presence. COVID safety protocols necessarily limit the number of employees that can be in the office at the same time.

In March 2019, DHS published the 2020 – 2023 Departmental FOIA Backlog Reduction Plan. Whereas most backlog reduction plans focus on short-term initiatives to quickly bring down the backlog, this plan lays out a framework for holistically addressing the root causes of the backlog and responsibly reducing and maintaining the backlog going forward. DHS has already made substantial progress on this plan and will continue to work to improve our service to the Department and the public, to invest in our employees, to strengthen our regulatory and policy framework, and to modernize our operations.

Components provided these additional responses:
CBP:

- The non-traveler request backlog increased due to the number of incoming FOIA requests. CBP received more interest in COVID-19 and civil unrest requests. A high volume of media outlets sought information pertaining to these issues, and the records released were very complex, i.e., sensitive discussions, videos, and working with other agencies to compile information.
- CBP FOIA currently faces numerous lawsuits. In order to meet these court-ordered-processing obligations, it has become necessary to dedicate numerous senior staff to process these records.

FEMA:

- The backlog did not increase during FY 2019; however, the total number of requests received did increase. In general, the total number of requests received tends to increase right after a major disaster. Requests that involve communication with the White House, information related to the Flood Insurance Program, and FEMA’s response to highly publicized disasters are typically where FEMA encounters the most complex FOIA cases.

FLETC:

- Responding to the COVID-19 requirements and staff being placed on telework initially set back operations; however, these obstacles have been resolved.

I&A:

- The average complexity of requests continues to increase. As a result, I&A must consult with other agencies so they can review and make release determinations for their equities.

OIG:

- OIG’s FOIA backlog increased during FY 20 due to a 50 percent loss in staff as well as a temporary hiring freeze.

USCG:

- New requests in the third quarter increased by 30 percent during the pandemic when headquarters and field offices were not fully staffed as resources were diverted to address increased hurricane activity this year.

TSA:

- Experienced an increase in COVID-19-related requests and new litigation.
- Insufficient staff to both process new requests while reducing the backlog.

8. If you had a request backlog, please report the percentage of requests that make up the backlog out of the total number of requests your agency received in Fiscal Year 2020. If your agency has no request backlog, please answer with “N/A.”

The backlog at the end of FY 2020 constitutes about 8 percent of the number of requests DHS received during the reporting period.

Backlogged Appeals

9. If your agency had a backlog of appeals at the close of Fiscal Year 2020, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

The DHS appeals backlog increased from 304 in FY 2019 to 356 in FY 2020, an increase of about 17 percent.

10. If not, did your agency process more appeals during Fiscal Year 2020 than it did during Fiscal Year 2019?

The number of appeals processed increased from 6,241 in FY 2019 to 6,851 in FY 2020, an increase of about 10 percent.

11. If your agency's appeal backlog increased during Fiscal Year 2020, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

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

Components that experienced an increase in the appeals backlog provided the following responses:

FLETC:

- Training new staff and an increase in voluminous requests have contributed to the appeal backlog.

USCG:

- Lost staff members who were dedicated to processing and responding to appeals.

Having an additional staff member would ensure that time can be spent reviewing and *TSA*:

- Experienced an increase in appeals compared to last year but the number of days to process them decreased.

USSS:

- Experienced an increase in appeals.

12. If you had an appeal backlog, please report the percentage of appeals that make up the backlog out of the total number of appeals your agency received in Fiscal Year 2020. If

your agency did not receive any appeals in Fiscal Year 2020 and/or has no appeal backlog, please answer with "N/A."

The appeals backlog at the end of FY 2020 constitutes about 5 percent of the number of appeals submitted to the Department during the reporting period.

Backlog-Reduction Plans

13. In the 2020 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2019 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog-reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2020?

In March 2020, the DHS Privacy Office published the 2020 – 2023 Departmental FOIA Backlog Reduction Plan. While most backlog-reduction plans focus on short-term strategies to reduce the backlog, DHS's plan lays out a comprehensive strategy for addressing the root causes of the backlog – including decentralization, resource constraints, and an outdated FOIA information technology (IT) infrastructure.

DHS made substantial progress on the plan in FY 2020. Below are some examples of steps taken in FY 2020 to improve our service to the Department and the public, invest in DHS FOIA employees, strengthen the regulatory and policy framework, and modernize the FOIA IT infrastructure.

- In June 2020, the Secretary signed the first comprehensive delegation to the DHS Privacy Office. This delegation defined the DHS Privacy Office's responsibility to provide the Department's FOIA regulatory and policy framework and articulates the DHS Privacy Office's role in ensuring the efficacy of DHS FOIA operations. The DHS Privacy Office is working with Components to implement this delegation and is continuing to develop compliance instructions to improve the quality and consistency of DHS FOIA operations.
- The DHS Privacy Office supported the re-institution of an agreement between ICE and USCIS regarding the review of requests for A-file material. This agreement enables better coordination of efforts and reduces the administrative burden associated with FOIA.
- The DHS Privacy Office deployed the Public Access Link (PAL) for Components using the enterprise-wide FOIA-tracking-and-processing solution. PAL reduces the administrative burden associated with FOIA. Requesters can use PAL to submit and track requests and download released records. DHS also achieved interoperability with the National FOIA Portal via PAL.

- The DHS Privacy Office maintained the DHS FOIA Employee Resources page on the DHS intranet site, DHSCConnect. This page provides FOIA professionals with easy access to key materials to assist them with their work and is regularly updated with new training materials. In FY 2020, the DHS Privacy Office made several virtual training sessions recorded as part of the planned 2020 Joint Sunshine Week Training Summit available on the page.
- The DHS Privacy Office further centralized processing. The DHS Privacy Office now processes requests for most headquarters offices and for an operational component, the Cybersecurity and Infrastructure Security Agency (CISA). This centralization enables DHS personnel to focus on mission-critical activities and improves the consistency of FOIA operations.
- The DHS Privacy Office leveraged its resources to assist with backlog-reduction efforts at CBP and ICE. In addition to using DHS Privacy Office staff to close about 20,000 requests on behalf of Components, the DHS Privacy Office enabled ICE to use an existing FOIA support contract vehicle to close additional requests.

While DHS made substantial progress on its plan, there is more work to be done. Long-term success depends on continued improvements to the regulatory and policy framework and further upgrading the IT infrastructure that FOIA relies upon.

Components provided these additional responses:

I&A:

- Plans to conduct a comprehensive audit of open backlogged cases, determine and catalog the steps required to complete them, then assign projected completion dates to each.

ICE:

- Partnered with other DHS Components and DHS Privacy Office to coordinate and conduct joint training sessions in order to utilize staff to process backlogged ICE cases. Exchanged subject matter experts with DHS Privacy office to expand and share FOIA knowledge base in order to create tiger teams to assist other DHS Components to address their backlog needs.

USCG:

- Contacted offices routinely to request the status of open requests and provided assistance, whenever possible, to create plans to close the requests.
- Reviewed backlogged FOIAs to find any requests that could be responded to en masse.

USCIS:

- Used technology advancements to address the backlog, including the FIRST system, as well as a FOIA backlog contractor, additional staffing, and the use of overtime.

TSA:

- Reduced its backlog each quarter as mandated by DHS via the following:
 - targeting certain years of requests for processing and closure; and
 - meeting regularly to identify any problems/issues in processing older requests with a timeframe in mind.

USSS:

- Motivated staff to produce at a higher level, to utilize technology to its greatest capacity, and to implement process improvements.
- Reviewed the FOIA process to identify redundancies and inefficiencies.
- Eliminated bottlenecks and reorganized staff to increase workflow and production.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2020, what is your agency's plan to reduce this backlog during Fiscal Year 2021?

As described above, the DHS Privacy Office is continuing to implement the 2020 – 2023 Departmental FOIA Backlog Reduction Plan.

Components provided the following responses:

USCG:

- Provides FOIA processors with a monthly overview of the program to ensure they understand the importance of their support, along with a report of their oldest opened FOIA requests.
- Strives to prevent requests from reaching 200 open days and close anything that is currently older than that time period.

USCIS:

- Continues to look for smarter ways to do business, including new technology enhancements supplemented by continued reliance on a backlog contract, additional staffing, and the use of overtime funds.

Status of Oldest Requests, Appeals, and Consultations

Section VII.E, titled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), titled "Ten Oldest Pending Administrative Appeals," and Section XII.C., titled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the 10 oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

Oldest Requests

15. In Fiscal Year 2020, did your agency close the 10 oldest requests that were reported pending in your Fiscal Year 2019 Annual FOIA Report?

Yes.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2019 Annual FOIA Report. If you had fewer than 10 total oldest requests to close, please indicate that.

N/A

17. Beyond work on the 10 oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

In 2019, the DHS Privacy Office instituted Component FOIA performance metrics.

CBP:

- Reduced the aging of the pending oldest requests by providing more interim releases, allowing the requests to stay active and not delaying information.
- Trained and met with program offices to emphasize the importance of responding to older requests.
- Provided program offices with weekly reports of outstanding search requests.

FEMA:

- Addresses the backlog caused by large requests and difficulty in locating records by:
 - contacting requesters to either reduce the scope of the request or establish a production schedule for response;
 - coordinating with the program office to identify all responsive records and make records collection a priority for that office's response to search taskers; and
 - contacting requesters to confirm if the records FEMA is searching for remain relevant to their requests.

FLETC:

- Engages with requesters to modify or clarify their requests to ensure that the FOIA Office is processing the request as efficiently as possible.

I&A:

- Plans to conduct a comprehensive audit of the open and backlogged cases to determine and catalog the steps required to complete them before assigning projected completion dates to each.

ICE:

- Program offices with overdue search taskings are contacted by ICE FOIA to remind them that they have searches due on a weekly basis. Processors are also encouraged to close out cases within a day or two of a case being approved for close out. This instruction is built into the SOP for the office.

OIG:

- In FY 20, OIG FOIA focused its attention on its oldest pending requests with special emphasis on closing its 10 oldest cases.

USCG:

- Provided lists of overdue requests to offices to request the current status and to create action plans to close them when needed.
- Provided new FOIA personnel at units with the most up-to-date information on what had been assigned to their unit for processing.
- Recommended shared mailboxes for FOIA communications to ensure processing begins upon assignment to mitigate requests waiting for processing in the absence of the unit's FOIA coordinator.
- Created a SharePoint site to post records for review by the servicing legal office, which helps to speed up the legal review process and the transmission of records while working remotely.

USCIS:

- Reduced the amount of time it takes to receive files from the field by following up on outstanding requests and elevating A-file requests up the chain when necessary.
- Created an electronic interface between FIRST and ELIS to quickly download responsive records.

TSA:

- Assigned the same types of requests with the same subject matter to a particular analyst to ensure uniformity in processing and increase closures.
- Identified simple cases that could be processed quickly.
- Met with analysts weekly to ensure they were meeting their goals in closing the 10 oldest, pending consults, appeals, and both 2014 and 2015 cases.
- Contacted requesters to narrow the scope of voluminous requests.

USSS:

- Generated reports from FOIAXpress of the open requests by year and reviewed each case to identify why it was stuck and what could be done to close it.
- Met with processors to discuss and address processing challenges, especially for older cases.
- Followed up on or resent FOIA cases to the program offices that were lost or stuck.
- Filled two open processor positions.
- Incorporated a requirement to close old requests into FOIA staff performance plans.

Ten Oldest Appeals

18. In Fiscal Year 2020, did your agency close the 10 oldest appeals that were reported pending in your Fiscal Year 2019 Annual FOIA Report?

No.

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2019 Annual FOIA Report. If you had fewer than 10 total oldest appeals to close, please indicate that.

DHS closed eight of the 10 oldest appeals reported pending in the FY 2019 Annual Report.

20. Beyond work on the 10 oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

The DHS Privacy Office tracks progress closing the 10 oldest appeals reported pending in the FY 2019 Annual Report through its regular monthly oversight reports. In these reports, DHS Components reported closing 77 percent of the 73 oldest appeals reported pending at the end of FY 2019.

Components provided the following responses:

CBP:

- Met with program offices to emphasize the importance of responding to older appeals.

FEMA:

- Reviewed the oldest appeals first.
- Communicate with all appeals requesters to provide them with routine status updates while they are waiting for their final determinations.

FLETC:

- Working to close all FY 2020 requests while actively processing the appeals. There are two pending appeals from FY 2020.

USCG:

- Reviewed the track types of the appeals to see which ones could be easily processed. For appeals of non-response, the agency kept in contact with offices to ensure the initial request was processed quickly.

USCIS:

- Hired one additional appeals processor.

TSA:

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

USSS:

- The Office of Chief Counsel handles all FOIA appeals. USSS prioritizes its questions and answers them promptly so that appeals can be resolved. The FOIA Office often assists in processing records to be released on appeal.

Ten Oldest Consultations

21. In Fiscal Year 2020, did your agency close 10 oldest consultations that were reported pending in your Fiscal Year 2019 Annual FOIA Report?

No.

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2019 Annual FOIA Report. If you had fewer than 10 total oldest consultations to close, please indicate that.

DHS closed three of the 10 oldest pending consultations reported in the FY 2019 Annual Report.

Additional Information on 10 Oldest Requests, Appeals, and Consultations and Plans

23. Briefly explain any obstacles your agency faced in closing its 10 oldest requests, appeals, and consultations from Fiscal Year 2019.

Components provided the following responses:

CBP:

- The complexity and sensitivity of the documents created obstacles. These requests are seeking emails and videos. The emails are large data sources; OIT has to retrieve and

convert these documents. Once documents are converted, the number of pages can exceed 100,000, and the number of files can exceed 100 for each request. Plus, reviewing videos is time-consuming and requires tremendous attention to detail. The FOIA office's lack of resources is another obstacle, such as not having a document-review system, an appropriate video-review platform, and proper staffing in comparison to the number and complexity of the FOIA requests are the biggest challenges.

FEMA:

- The challenge in processing old requests occurs when the Program Office is not as responsive to search requests as it should be or when the subject-matter expert for the responsive records is no longer available. FEMA can usually overcome both obstacles by escalating the issue to the Program Office leadership.

I&A:

- Delays are caused by the need to coordinate with other federal entities that have equities in the material involved.

OIG:

- OIG FOIA's 10 oldest cases represent some of the most complex and sensitive cases. Two of the cases involved classified records, while others involved multiple consultations. OIG administratively closed eight of the 10 oldest FOIA cases in 2020. For the other two cases, "Still Interested" letters have been sent.

USCG:

- Reduced staff.
- Experienced an influx of complex requests regarding COVID-19 while personnel were out of the office due to the pandemic. Some responsive documents may not have been available to those working remotely, and coordinating the entire process, including review of the responses, was slowed because of differing work schedules.

ICE:

- The length and complexity of ICE's oldest pending cases, coupled with reduced staffing, has had a negative impact on closing out the oldest cases in ICE custody.

USSS:

- Obstacles include the complexity and sensitivity of agency records, voluminous record size, and the large number of consultations with USSS program offices.

24. If your agency was unable to close any of its 10 oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request your agency initially received, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

N/A

25. If your agency did not close its 10 oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those 10 oldest requests, appeals, and consultations during Fiscal Year 2021.

Components provided the following responses:

CBP:

- Failed to close two of the 10 oldest appeals primarily due to challenges with efficient processing at the program offices to provide responsive records or explain the reasonableness of their searches.

FLETC:

- Plan to close the oldest requests with new staff and more training.

OIG:

- OIG FOIA's 10 oldest cases represent some of OIG FOIA's most complex and sensitive cases. The 10 oldest FOIA cases are a priority to close out in FY 2021.

USCG:

- Uses contractor support to conduct an initial review and draft a response for the appeals. Secondary review will be conducted by a government FOIA professional. Packages will then be transmitted for legal review and final signature through the FOIA SharePoint site.

USSS:

- Reserved at least three months in this fiscal year to focus on the oldest pending cases and hire two more FOIA personnel to assist in processing appeals.

II. Spotlight on Success

Out of all the activities undertaken by your agency since March 2020 to increase transparency and improve FOIA administration, please briefly describe at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- DHS had tremendous success in leveraging its technology investments to promote interoperability between DHS processing centers.
- USCIS's development of FIRST is key to the successful re-establishment of an agreement to allow USCIS to process ICE equities in A-Files. ICE accesses requests in FIRST to conduct a quality review of A-File requests with its equities. This agreement eliminates duplicative administrative work, assists in coordinating backlog-reduction efforts, and significantly improves the process for requesters.
- Several Components, including PRIV, ICE, CBP, USCIS and USSS, also used technology to share resources to help process requests; these efforts were key to addressing unanticipated resource needs and containing the DHS backlog.

APPENDIX A: Composition of the Department of Homeland Security

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

Offices:

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

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

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

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

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

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

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

Office of Legislative Affairs (OLA) serves as primary liaison to Members of Congress and their congressional staff. The office responds to inquiries from Congress; notifies Congress

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

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

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

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

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

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

DHS Components and Directorates:

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

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

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

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

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

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

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

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

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

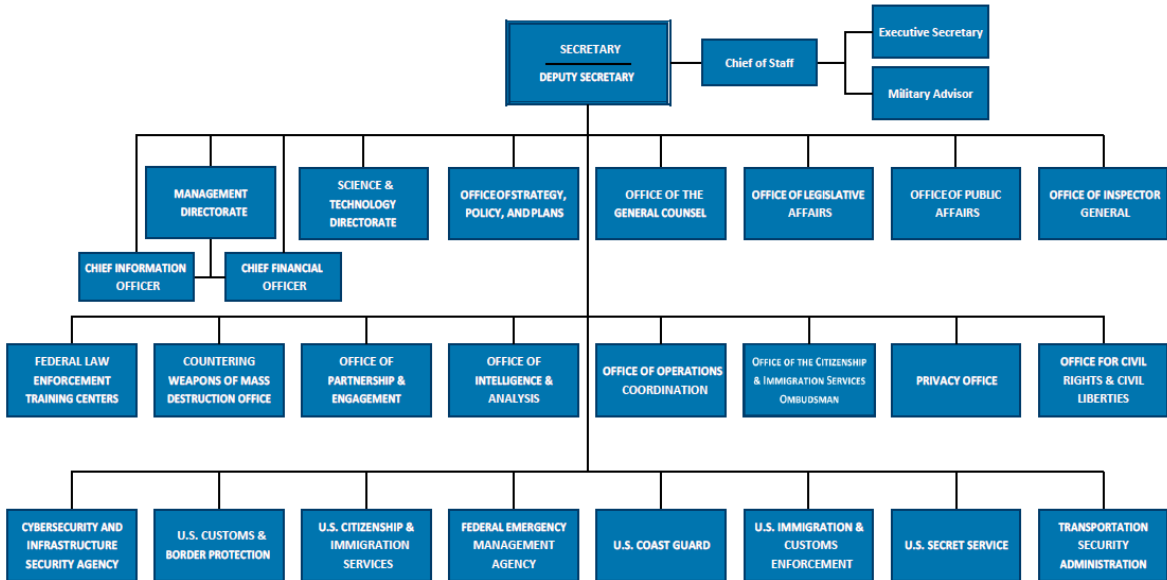
United States Coast Guard (USCG) is one of the six armed forces of the United States and the only military organization within the Department of Homeland Security. The Coast Guard protects the maritime economy and the environment, defends our maritime borders, and saves those in peril.

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

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

APPENDIX B: DHS Organizational Chart

U.S. Department of Homeland Security



APPENDIX C: Acronyms, Definitions, and Exemptions

1. Agency-specific acronyms or other terms

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

2. Definition of terms, expressed in common terminology

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

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

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

- o. **Processed Request or Processed Administrative Appeal** – A request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – The lowest and highest number of days to process requests or administrative appeals
- q. **Time Limits** – The time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a perfected FOIA request).

3. Concise descriptions of FOIA exemptions:

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

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

Department of Homeland Security Chief FOIA Officer

Lynn Parker Dupree
Chief FOIA Officer
Privacy Office, Mail Stop 0655
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2707 Martin Luther King Jr. Ave. SE
Washington, DC 20528-0655

Catrina Pavlik-Keenan
Deputy Chief FOIA Officer
Privacy Office, Mail Stop 0655
U.S. Department of Homeland Security
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Washington, DC 20528-0655

Department of Homeland Security Component FOIA Officers

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

Office of Biometric Identity Management
Jimmy Wolfrey
Ph: 202-295-5454; Fax: 202-298-5201
Privacy Office, Mail Stop 0655
U.S. Department of Homeland Security
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Washington, DC 20528-0655

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

U.S. Coast Guard
Kathleen Claffie
Ph: 202-475-3525; Fax: 202-475-3927
Commandant (CG-6P)
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Cybersecurity and Infrastructure Security
Agency
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U.S. Department of Homeland Security
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Washington, DC 20528-0655

U.S. Customs and Border Protection
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FOIA Officer
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Washington, DC 20229

Office for Civil Rights and Civil Liberties
Rosemary Law
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Privacy Office, Mail Stop 0655
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528-0655

Federal Emergency Management Agency
Greg Bridges
Ph: 202-646-3323; Fax: 202-646-3347
Records Management Division
500 C Street, SW, Room 840
Washington, DC 20472

Federal Law Enforcement Training Centers
Alicia D. Mikuta
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Building No.681, Suite B187
1131 Chapel Crossing Road
Glynco, GA 31524

United States Secret Service
Kevin Tyrrell
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Freedom of Information Act and Privacy
Act Branch
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U.S. Immigration and Customs Enforcement
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Transportation Security Administration
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