



Homeland Security

March 14, 2016

MEMORANDUM FOR: FOIA Officers

FROM: Karen L. Neuman
Chief Privacy Officer/Chief Freedom of Information Act Officer

SUBJECT: *Freedom of Information Act* and 2016 Sunshine Week

Each year, a week in mid-March is designated "Sunshine Week,"¹ during which we emphasize the importance of openness and transparency in the Federal Government. This year Sunshine Week runs from March 13 to March 19. The week will include employee events surrounding the Freedom of Information Act (FOIA) and government transparency.²

I would like to thank all of you for your excellent contributions over the past year and for your tireless efforts to further the Department's openness and transparency initiatives, which are detailed in the *2016 Chief FOIA Officer Report*.³ At DHS, we use FOIA to implement the Obama Administration's policy of openness, transparency, and collaboration. We are committed to the letter and the spirit of the law and strive to fulfill our responsibility to the public in a timely, accurate, and professional manner.

This year we celebrate your extraordinary achievements in reducing the backlog by 66 percent. We decreased the FOIA backlog of pending requests from 103,778 in fiscal year 2014 to 35,374 in fiscal year 2015. We made enormous strides in eliminating the backlog despite the fact that DHS consistently receives the largest number of FOIA requests of any federal department or agency in each fiscal year.

Did you know that DHS accounts for almost 40 percent of all FOIA requests received by the Federal Government? In fiscal year 2015, DHS received 281,138 FOIA requests and processed 348,878, a 32 percent increase over the 238,003 processed in fiscal year 2014. The ever-growing volume of FOIA requests received by DHS reflects the public interest in current events, the DHS

¹ Sunshine Week occurs each year in mid-March, coinciding with James Madison's birthday and National Freedom of Information Day on the 16th.

² See <https://www.justice.gov/oip/blog/celebrate-start-sunshine-week-department-justice> and <https://ogis.archives.gov/outreach-events/sunshine-week-2016.htm> for additional details of events that are open to the public.

³ The report will be available in late March 2016 at <https://www.dhs.gov/dhs-chief-foia-officer-reports>.

missions, and the activities of DHS Components. U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), the Office of Biometric Identity Management, and U.S. Citizenship and Immigration Services (USCIS) receive the bulk of FOIA requests from individuals seeking immigration related records. These Components received approximately 97 percent of all FOIA requests received by DHS in fiscal year 2015.

We commend the efforts of many here at DHS to implement a multi-pronged approach for reducing the FOIA backlog. Specifically, the Privacy Office: 1) deployed additional staff and contractors from the Privacy Office to Component FOIA offices to assist with processing backlogged FOIA requests, and 2) entered into a Memorandum of Understanding with CBP for a support services contract with an experienced FOIA vendor to process CBP's FOIA backlog. ICE managed its own FOIA services support contract to successfully process over 55,000 backlogged FOIA requests and reduce its backlog by more than 99 percent.

FOIA Engagements and Outreach

Over the past year, at the request of the Privacy Office, the Office of Government Information Services (OGIS) assessed the FOIA operations of several Components to assist the Department in its backlog reduction strategy. The components include the United States Coast Guard (USCG), the Federal Emergency Management Agency (FEMA), the United States Secret Service (USSS), CBP, and the Transportation Security Administration (TSA). Several of the Compliance Reports prepared by OGIS are available on OGIS's website.⁴ We are evaluating the reports for further action.

We also used outreach to help inform our strategy for improving FOIA operations. The DHS Privacy Office hosted an open forum meeting with representatives from the Components, OGIS, and several members of the requester community to discuss the Department's FOIA process and ways to improve it. The Deputy Chief FOIA Officer discussed the importance of agency self-assessments and DHS's engagement with OGIS at the American Society of Access Professionals' Food for Thought Training titled "Conducting Assessments: The Road to FOIA Program Improvements," which provided a training opportunity and informal dialogue with the requester community. The DHS Privacy Office staff served as members of the Department of Justice's Common FOIA Regulation working group, which included meetings and frequent collaboration with open government groups. The DHS Privacy Office Director of FOIA Technology served on a panel at the 2015 Chief Information Officers Council Federal Privacy Summit regarding the development of the eFOIA mobile application.

Several Component FOIA Officers and FOIA staff from the DHS Privacy Office received accolades and awards from other agencies in the areas of advancing technologies, customer service, and backlog reduction successes. We encourage the Department's FOIA professionals to identify and use opportunities for professional development and to promote the DHS enterprise by serving on panels outside the Department and conducting outreach with the requester community.

⁴ See <https://ogis.archives.gov/foia--ompliance-program/agency-compliance-reports.htm>.

Greater Use of Technology for FOIA Operations

The Department continued to modernize and improve its FOIA operations by deploying advanced technology. The DHS Privacy Office partnered with the Office of the Chief Information Officer to create the new eFOIA mobile application. By expanding the online request process to mobile devices, requesters can now submit requests and check the status of existing requests anyplace, anytime. Key features of the application allow users to: (1) submit a FOIA request to any DHS Component; (2) check the status of their requests; (3) access all of the content on the DHS FOIA website and library; and (4) view updates, changes to events such as stakeholder meetings or conference calls, and recently published documents.

Training

Training and education continue to be a focus of the Department to further promote the principles of transparency and openness among DHS staff. Training also provides a mechanism to standardize FOIA practices and ensure excellence across the Department. As the *2016 Chief FOIA Officer Report* reflects, the Components conducted annual training covering a wide variety of topics. The DHS Privacy Office conducted biweekly New Employee Training on FOIA along with best practices for safeguarding personally identifiable information. The DHS Privacy Office also provided two department-wide workshops this year; one on the handling of significant FOIA requests and the Annual Report Refresher Training Workshop. In addition to providing a half-day refresher training session to its FOIA staff on the processing of FOIA requests, the DHS Privacy Office provided training sessions on proper FOIA requests, agency records, and Exemptions 4, 5, and 6. The DHS Privacy Office also provided a specialized FOIA training to stakeholders of the BioWatch program⁵ and a FOIA overview to the Office of the Citizenship and Immigration Services Ombudsman staff. We encourage you to continue conducting annual and specialized FOIA training.

Proactive Disclosures

Components continued their efforts to foster a more transparent environment by proactively posting information to their websites and engaging in practices that reduced the need for requesters to seek information by FOIA requests. A vast array of information is posted on DHS websites, including material previously available only through a formal FOIA request, examples include: historical documents; daily schedules of senior leaders; management directives; memoranda related to FOIA operations; FOIA logs; congressional correspondence logs; procurement records that include awards, orders, solicitations; and purchase cardholder lists. The Components also posted a wide variety of records including: FEMA disaster claims data and project worksheets, TSA airport throughput data, USCG administrative investigations, Office of Inspector General inspection and audit reports, ICE Detention Oversight Compliance Inspection Reports and list of detainee deaths while in custody, USCIS records pertaining to EB-5 Regional Centers and Alien files of interest; Science and Technology Directorate Sponsorship Agreements

⁵ BioWatch is a cornerstone in the Department's comprehensive strategy for countering terrorism. BioWatch monitors the air for biological agents likely to be used in a bioterrorism attack. If a detection occurs, public health and other local and state officials use the information to coordinate emergency response, including prompt medical care and other actions to protect public health and safety.

with Federally Funded Research and Development Centers, USSS records pertaining to the Occupy movements, NPPD records pertaining to new hires, and CBP Juvenile Apprehension Logs and Concept of Operations Plan for Unmanned Aircraft Systems.

In recognition of Sunshine Week, we ask that you take a fresh look at your FOIA libraries, make required categories of records easier to locate, clearly indicate when records in required categories do not exist, and expand the content of your FOIA libraries. We realize that the management of the libraries is often not under the FOIA Officers' purview, but we strongly encourage you to assess your libraries and influence the content.⁶

As we approach Sunshine Week, we encourage you to take pride in your successes over the past year and find ways to improve transparency as we work to meet the needs of an informed citizenry.

Please direct questions to Shari Suzuki, Acting Senior Director for FOIA Operations, at shari.suzuki@hq.dhs.gov or (202) 343-1743.

⁶ Regarding expanding the content of FOIA libraries, please continue to follow the guidance set forth in a policy memorandum in December 2010, titled *DHS FOIA Office Procedures and Standards for Effectively Implementing Section (a)(2)(D) of the FOIA "Frequently Requested Documents" Procedures*. This memorandum outlines the process for determining when and how to disclose frequently requested documents.