



Chief FOIA Officer Report

2011 Chief Freedom of Information Act Officer Report to the
Attorney General of the United States

March 2011



Homeland
Security

Message from the Chief Freedom of Information Act Officer

As the Chief Freedom of Information Act (FOIA) Officer for the Department of Homeland Security (DHS), I am proud to present our second annual Chief FOIA Officer's Report. As evidenced throughout this report, DHS is committed to the presumption of openness and transparency in government and has achieved significant progress toward this goal during the past year.



FOIA was designed to promote government openness and accountability. It gives the public the right to request copies of records in the possession of federal Executive Branch agencies, subject to nine exemptions and three special law enforcement exceptions.

The Secretary of Homeland Security appointed me to serve as both the Department's Chief Privacy Officer and Chief FOIA Officer. Given that FOIA is a pillar of the U.S. privacy protection framework, my ability to oversee both privacy and FOIA management across the Department fosters greater transparency of DHS operations.

As outlined in the Department's Open Government Plan,¹ the Department's FOIA staff, led by the Privacy Office, works directly with the Open Government Team to promote transparency of operations through accessibility. The Department well surpassed its Open Government goal by reducing its backlog by 40%, along with additional Open Government metrics. The success of the FOIA staff in reaching this goal is measured by: (1) reducing backlogs and improving timeliness in responding to requests; (2) having an effective system for responding to FOIA requests; (3) increasing proactive disclosures; (4) applying the presumption of openness; and (5) making better use of technology.

Here are some highlights of our accomplishments in these five key areas in 2010:

Reducing Backlogs and Improving Timeliness in Responding to Requests

I am proud to say that DHS has significantly reduced its FOIA backlog. Between the end of FY 2008 and the end of FY 2010, we reduced the backlog by 84%, from 74,879 to 11,383 requests. In FY 2010 alone, DHS reduced its backlog by 40%, eclipsing both the DHS Open Government Directive's instruction to reduce the FOIA backlog by 10% percent each year, and our Open Government Plan's goal of a 15% reduction this fiscal year. We also reduced the average time it takes to process FOIA requests in our system, organized of three tracks—simple, complex, and expedited—across the board, including cutting the response time for complex requests in half.

¹ Office of Mgmt. & Budget, Executive Office of the President, OMB Memorandum No. M-10-06, *Open Government Directive* (2009), available at http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf *Government Plan*, June 10, 2010 – Version. 1.1, available at http://www.dhs.gov/xlibrary/assets/dhs_open_government_plan.pdf.

Ensuring DHS has an Effective System for Responding to Requests

The Department received 130,098 requests in FY 2010, a 26% increase over FY 2009. Although we processed slightly fewer requests—a decrease of 13% in FY 2010 in comparison to the previous fiscal year—the total number of requests processed was over 138,000, a total that still represents the second highest number of initial requests processed by the Department since 2005, and more than any other federal agency this fiscal year.

Increasing Proactive Disclosures

My office promotes transparency and the President's Open Government Initiative by adopting a Proactive Disclosure Policy in an August 26, 2009 memorandum,² which encourages all staff to post on our public-facing websites not only frequently-requested documents but other records that are not legally required to be posted but that nevertheless will assist the public in understanding the operations of the Department. Consistent with my Proactive Disclosure Policy memorandum, during this reporting period DHS has proactively published more than 338 documents, totaling more than 6,240 pages, with more planned to be published in the near future.

The result of these efforts is a robust, continuously growing, publicly available library that increases our transparency and accountability, and reduces the need for the public to file FOIA requests for certain information.

Applying the Presumption of Openness

The President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout the Department this year via correspondence from the Deputy Secretary, Component FOIA officers, and me, as well as through mandatory FOIA training classes and disclosure meetings.³ Many of the DHS components have revised their internal guidance and employee training programs to include the new transparency directives issued by my office in 2010.

Utilizing Technology to a Greater Degree

All DHS Components receive, track, and process all FOIA requests electronically. All Components also use technology to assist in the preparation of the FOIA Annual Reports and the Chief FOIA Officer's Reports. In addition, several of the Department's Components are updating their electronic FOIA processing capabilities to significantly streamline their current administrative process.

DHS's accomplishments in FOIA this year are due to the hard work and dedication of FOIA professionals across the Department. President Obama has stressed the importance of FOIA, stating that it is "the most prominent expression of a profound national commitment to ensuring an open government." At DHS we take seriously our responsibility to increase openness, transparency, and accountability in government. I am proud of our accomplishments, and am

² The *DHS Proactive Disclosure and Departmental Compliance with Subsection (a)(2) of the Freedom of Information Act (FOIA)* is available at http://www.dhs.gov/xlibrary/assets/foia/foia_proactive_disclosure.pdf.

³ The President's FOIA memorandum of January 21, 2009 is available at http://www.justice.gov/oip/foia_guide09/presidential-foia.pdf, and the Attorney General's memorandum of March 19, 2009 is available at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>.

confident that through our deep commitment to these goals, we will continue to make improvements in the coming year.

Mary Ellen Callahan
Chief Freedom of Information Act Officer
U.S. Department of Homeland Security

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Part 1. Operational Overview of the DHS FOIA Program

Background

I. About the FOIA Operations of the DHS Privacy Office

In accordance with Executive Order 13392, *Improving Agency Disclosure of Information*,⁴ the Secretary of Homeland Security designated the DHS Chief Privacy Officer⁵ to serve concurrently as the Chief FOIA Officer with responsibility to promote efficiency, effectiveness, and statutory compliance throughout the Department.⁶ The Chief Privacy Officer, who leads the DHS Privacy Office, reports directly to the Secretary for both FOIA- and privacy- related purposes.

The Privacy Office coordinates Department-level compliance with FOIA by developing Departmental policy needed for the implementation of important FOIA initiatives, such as the sweeping changes set forth in the President's FOIA Memorandum and the Attorney General's FOIA Guidelines of 2009.⁷ Additionally, the Privacy Office performs oversight of Component FOIA operations, provides FOIA training, and prepares required annual reports of the Department's FOIA performance. The Privacy Office, through its FOIA unit, referred to hereafter as the DHS FOIA Office, also processes initial FOIA and Privacy Act requests to the Office of the Secretary (including the Military Advisor's Office and the Office of Intergovernmental Affairs), and eight DHS headquarters Components (all of which are collectively referred to hereafter as "DHS FOIA Office Components").⁸

⁴ Executive Order Number 13392, Fed. Reg. 75373 (Dec. 14, 2005). The Executive order's requirement for the establishment of the Chief FOIA Officer position was enacted into law as provisions of the FOIA (5 U.S.C. 552(j),(k)) by the OPEN Government Act of 2007, Pub. L. 110-175, 121 Stat. 2524 (Dec. 31, 2007)).

⁵ The Chief Privacy Officer position was established by Section 222 of the *Homeland Security Act of 2002* (Homeland Security Act), 6 U.S.C. § 142. Section 222 assigns the Chief Privacy Officer responsibilities to ensure that privacy and transparency in government are implemented throughout the Department. Congress expanded the authorities and responsibilities of the Chief Privacy Officer in 2007 in the *Implementing the Recommendations of the 9/11 Commission Act of 2007* (9/11 Commission Act), Public Law 110-53, 6 U.S.C. § 101 note. Section 802 of the 9/11 Commission Act added investigatory authority, the power to issue subpoenas, and the ability to administer oaths, affirmations, or affidavits necessary to investigate or report on matters relating to responsibilities under section 222 of the Homeland Security Act. These responsibilities are further described on the DHS Privacy Office website: http://www.dhs.gov/xabout/structure/editorial_0510.shtm and in http://www.dhs.gov/xlibrary/assets/privacy/privacy_rpt_annual_2009.pdf, and in the Background section of the *DHS Privacy Office Annual Report to Congress*, September 2010, available at http://www.dhs.gov/xlibrary/assets/privacy/privacy_rpt_annual_2010.pdf.

⁶ In this Report a reference to the "Department" or "DHS" means the entire Department of Homeland Security, including its components, directorates and the Office of the Secretary.

⁷ The President's FOIA memorandum of January 21, 2009 is available at http://www.justice.gov/oip/foia_guide09/presidential-foia.pdf, and the Attorney General's memorandum of March 19, 2009 is available at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>.

⁸ Specifically, the DHS FOIA Office processes the Privacy Office's initial requests and those for the following components: Office of the Secretary, CISOMB, CNE, DNDO, ESEC, IGA, OHA, OLA, and OPA. See Appendix A for a list of the Department's Components and their abbreviations.

The Director, Disclosure and FOIA (hereinafter, the Director and who for the report period also used the working title of Deputy Chief FOIA Officer), advises the Chief FOIA Officer and other executive-level leaders throughout DHS on compliance with FOIA, the Privacy Act, the E-Government Act, the requirements of Section 222 of the Homeland Security Act as amended, and DHS policies, programs, and agreements that promote adherence to information disclosure principles. The Director oversees the development and implementation of Department-wide FOIA/Privacy Act policies and procedures, including internal headquarters procedures and guidelines based upon new or revised legislation or recommendations, and is responsible for the development and delivery of effective training in these areas. The Director also supervises the operations of the DHS FOIA Office, and is assisted by two Associate Directors in that office.

The Associate Director, Disclosure and FOIA Operations, provides leadership and oversight of the DHS FOIA Office's operation to include managing the processing of FOIA and Privacy Act requests for records maintained by DHS FOIA Office Components and ensuring that the disclosure staff is well-versed in the Department's mission and key programs, and can readily disseminate relevant information to the public. This Associate Director coordinates the processing of FOIA requests with many internal and external customers, including other federal agencies, state and local governments, foreign entities, and private companies, and ensures requests are handled consistently throughout the Department. This Associate Director also serves as a resource to DHS senior leadership to provide guidance on information disclosure policy, advises employees on their responsibilities under FOIA and the Privacy Act, and assists the FOIA Public Liaison in addressing customer service issues.

The Associate Director for Policy and Program Development is responsible for Department-wide disclosure training, identifying and remedying policy and program deficiencies, serving as the DHS FOIA Public Liaison,⁹ and managing the HQ FOIA web presence. Additionally, this Associate Director routinely participates in national conferences and specialized training programs. For example, this Associate Director regularly participates in conferences of the International Association of Privacy Professionals (IAPP) and the American Society of Access Professionals (ASAP), the professional organization for Federal Government employees and private citizens working in the field of access to information under FOIA.

The DHS FOIA Office includes the Director, the two Associate Directors, and 13 FOIA specialists. The specialists process initial requests to the DHS FOIA Office Components and prepare the Department's required FOIA reports. As the Department's programs are wide-ranging, the processing of requests requires close coordination with many internal and external customers, to include other federal agencies, state and local governments, foreign entities, and private companies. The DHS FOIA Office specialists provide expert FOIA guidance to DHS FOIA Office Components and communicate regularly with DHS's other customers.

II. About this Report

This is the DHS Privacy Office's second Chief FOIA Officer Report, covering the period March 15, 2010 through March 15, 2011. During the reporting period, the Chief FOIA Officer placed

⁹ This position was established in law by 5 U.S.C. § 552(l).

an emphasis on principles of accountability and transparency within the Department's FOIA program. These principles guided the work of the DHS Privacy Office's overarching goals to make the Department's FOIA operations effective and efficient.

First, the Privacy Office has led concerted DHS efforts to enhance accountability by establishing procedures and standards for effectively implementing 5 U.S.C. §552(a)(2)(D) (hereafter referred to as Subsection (a)(2)(D)).¹⁰ Secondly, under the leadership of the Chief FOIA Officer, the Department implemented effective transparency far exceeding the Office of Management and Budget's (OMB) directive to reduce FOIA backlogs. Although the OMB called for a government-wide reduction of FOIA backlogs by 10%, the Chief FOIA Officer set a goal of a 15% backlog reduction for DHS; by the end of FY 2010, the Department had achieved an amazing 40% backlog reduction.¹¹ In addition, the Department reduced the number of pending FOIA Appeals by 78%. Finally, the Privacy Office, consistent with the President's Transparency and Open Government memorandum,¹² directed the Department to publish proactively the following categories of information: 1) Historical daily schedules of the most senior agency officials;¹³ 2) Executed contracts and grants; 3) Management directives and instructions; 4) Congressional correspondence under DHS control; and 5) FOIA logs. In response to this direction, the Components have made significant enhancements to their online FOIA reading rooms to support the proactive disclosure initiative. New information is posted to many of the sites on a monthly basis in accordance with the Proactive Disclosure Policy memorandum, with over 338 documents, totaling more than 6,240 pages and more planned in the near future.¹⁴

III. Operational Overview of the DHS FOIA Program

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

¹⁰ *DHS FOIA Office Procedures and Standards for Effectively Implementing Section (a)(2)(D) of the FOIA*, available at <http://www.dhs.gov/xlibrary/assets/foia/cfoiao-memo-dhs-priv-foia-a2d-procedures-20101208.pdf>.

¹¹ Office of Mgmt. & Budget, Executive Office of the President, OMB Memorandum No. M-10-06, *Open Government Directive* (2009), available at http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf; *Open Government Plan*, June 10, 2010 – Version. 1.1, available at http://www.dhs.gov/xlibrary/assets/dhs_open_government_plan.pdf.

¹² *Transparency and Open Government Memorandum*, 74 Fed. Reg. 4685 (Jan. 21, 2009), available at <http://edocket.access.gpo.gov/2009/pdf/E9-1777.pdf>.

¹³ *Proactive Disclosure of Senior Officials' Calendars*, available at <http://www.dhs.gov/xlibrary/assets/foia/deputy-secretary-calendar-memo-20101112.pdf>.

¹⁴ The *DHS Proactive Disclosure and Departmental Compliance with Subsection (a)(2) of the Freedom of Information Act (FOIA)* is available at http://www.dhs.gov/xlibrary/assets/foia/foia_proactive_disclosure.pdf. Throughout this report, all request and processing information is based on FY 2010 figures. Proactive disclosure statistics are based on the March 15, 2010 – March 15, 2011 time period unless otherwise indicated.

Part 2. Promoting Openness and Efficiency - Addressing Key Areas of Interest to the Department of Justice

I. Steps Taken to Apply the Presumption of Openness

1. Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.
 - a. Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.

The Chief FOIA Officer and Component FOIA officers have undertaken a variety of measures to publicize the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. These measures include further dissemination of the President's directive, enhanced training for Component personnel on the presumption of openness, and inclusion of these principles in Component FOIA guidance.

For example, the Chief FOIA Officer sent a memorandum to all Component heads reiterating the Department's commitment to transparency and openness, the presumption of disclosure, and the proactive disclosure and discretionary release policy.¹⁵ Additionally, in order to ensure that the Department complies with Section 508 of the Rehabilitation Act, the Chief FOIA Officer sent a memorandum to all DHS FOIA Officers providing instructions and guidance for converting a redacted document into a "Section 508 compliant" document prior to posting in their FOIA electronic reading rooms.¹⁶ Finally, in an effort to standardize DHS application of FOIA Exemption (b)(6) to DHS personnel information contained in agency records, the Chief FOIA Officer provided guidance to Departmental FOIA personnel in a memorandum on November 24, 2010.¹⁷

Furthermore, the President's FOIA Memorandum and Attorney General's FOIA Guidelines have been publicized throughout the Department by e-mail, mandatory training sessions, and

¹⁵ *Freedom of Information Act and 2010 Sunshine Week*, available at

http://www.dhs.gov/xlibrary/assets/foia/priv_foia_sunshine_week_memo_2010-03-16.pdf.

¹⁶In 1998, Congress amended the Rehabilitation Act to require federal agencies to make their electronic and information technology accessible to people with disabilities. Inaccessible technology interferes with an individual's ability to obtain and use information quickly and easily. Section 508 (29 U.S.C. § 794d) was enacted to eliminate barriers in information technology, to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals. The law applies to all federal agencies when they develop, procure, maintain, or use electronic and information technology. Under Section 508, agencies must give disabled employees and members of the public access to information that is comparable to the access available to others; *Creating 508-Compliant Documents*, available at

http://www.dhs.gov/xlibrary/assets/foia/priv_cfoia_oast_memo_creating_accessible_pdfs_20100614.pdf.

¹⁷ *DHS Application of FOIA Exemption (b)(6) to DHS Personnel Information Contained within Agency Records*, available at

http://www.dhs.gov/xlibrary/assets/foia/priv_cfoia_memo_application_of_foia_exemption_b6_dhs_personnel_info_contained_within_agency_records_20101124.pdf.

disclosure meetings. For example, U.S. Immigration and Customs Enforcement (ICE) circulated the DHS FOIA Office Memorandum entitled "The Attorney General's Guidelines on the Freedom of Information Act" to all its FOIA professionals.¹⁸ Further, U.S. Customs and Border Protection (CBP) provided its management and FOIA specialists the President's FOIA Memorandum and the Attorney General's FOIA Guidelines and posted them internally on the CBP intranet. The Science and Technology Directorate (S&T) provided the President's FOIA Memorandum and the Attorney General's FOIA Guidelines to the Office of Associate General Counsel and the Office of Executive Secretariat, who are responsible, respectively, for the reviewing and tasking of FOIA requests. The DHS FOIA Office focused on transparency and the Attorney General's Guidelines among other FOIA-related issues in its inaugural FOIA Workshop, discussed below.

b. What training has been attended and/or conducted on the new FOIA Guidelines?

Many DHS Components have revised their FOIA training to include the President's FOIA Memorandum and Attorney General's FOIA Guidelines. In November 2010, the DHS FOIA Office held a workshop that concentrated on the President's FOIA Memorandum and the Attorney General's FOIA Guidelines and was attended by over 100 Component FOIA officers and FOIA staff. Moreover, ICE FOIA staff led an ICE FOIA training session that addressed the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. Finally, the Federal Emergency Management Agency (FEMA), Records Management Division conducted a FOIA/Privacy Act "Back to Basics" training symposium, which included presentations on the President's FOIA Memorandum and the Attorney General's FOIA Guidelines.

These memoranda are also described in detail at new-employee orientation and recurring FOIA annual training. For instance, the Office of Inspector General (OIG) has provided in-house FOIA training on these and other subjects on five separate occasions to OIG employees. OIG conducted three sessions specifically for OIG's FOIA staff and two additional sessions for all OIG employees; the OIG offered the same training online. These training sessions started with a detailed explanation of the President's FOIA Memorandum, with a focus on proper implementation of the same via the Attorney General's FOIA Guidelines.

Further, many of the Department's FOIA staff have attended extra-Departmental training on FOIA, the President's FOIA Memorandum, and the Attorney General's FOIA Guidelines. For example, FOIA staff have attended such training sessions provided by the U.S. Department of Justice (DOJ), the Office of Government Information Services (OGIS), U.S. Department of Agriculture (USDA) Graduate School, the International Open Government Data Conference, and the ASAP Training Conferences. The Office of Intelligence and Analysis (I&A) FOIA Officer attended both the Advanced Freedom of Information Act Seminar provided by the DOJ Office of Legal Education and the DHS FOIA Workshop. S&T sent five of its employees to FOIA training at USDA Graduate School where both of these documents were discussed. Staff members of the DHS FOIA Office Staff, the United States Citizenship and Immigration Services (USCIS), FEMA Disclosure Branch, and Office of Policy (PLCY) attended the annual ASAP conference that provided information relating to these developments.

¹⁸*Attorney General's Guidelines on the Freedom of Information Act, available at http://www.dhs.gov/xlibrary/assets/foia/priv_cfoiao_memo_ag_guidelines_on_foia_20090324.pdf.*

c. How has your agency created or modified your internal guidance to reflect the presumption of openness?

The Chief FOIA Officer and Component FOIA officers have created new guidance and modified internal guidance to reflect the presumption of openness. For example, the Chief FOIA Officer reiterated the Department's commitment to transparency and openness, the presumption of disclosure, and proactive disclosure and discretionary release policy in a memorandum sent to all Component heads.¹⁹ Further, on November 12, 2010, the Deputy Secretary sent a memorandum to Component heads directing all Departmental Components to post the historical daily schedules of their senior leaders at the Assistant Secretary level or higher to their Component websites.²⁰

In addition, many Components updated their internal guidance, standard operating procedures (SOP), and handbooks. For instance, USCIS updated its existing handbooks to reflect the new guidelines, and the ICE FOIA Office incorporated the presumption of openness into its FOIA Office procedures. FEMA's Disclosure Branch is in the process of implementing a FOIA reengineering initiative, which involves detailed process maps and a comprehensive SOP including provisions for proactive disclosures and an overhaul of the electronic reading room. The United States Coast Guard (USCG) incorporated these concepts into the USCG FOIA/Privacy Act Manual, which sets forth the operating presumption that responsive records shall be released.

d. To what extent has your agency made discretionary releases of otherwise exempt information?

The Department has strived to maximize the releases of otherwise exempt information by applying the foreseeable harm doctrine. In many instances, this is accomplished by supervisory reviews, line-by-line analysis of records, and certification of "foreseeable harm" analysis.

For example, at the behest of the Chief FOIA Officer, the DHS FOIA Office Suspense Tracker form (used to transmit responsive records in the DHS FOIA Office Components) was modified so that each office must now certify that a "foreseeable harm" review and analysis has been completed for all withheld and partially withheld records. I&A also updated their internal FOIA suspense tracker to include a certification that a foreseeable harm review has been completed for all withheld and partially withheld records.

Further, the ICE FOIA Office changed its FOIA procedures to incorporate a supervisory review of documents being processed for release under FOIA to determine if any otherwise exempt information may be disclosed on a discretionary basis. In addition, the USCG requires that a legal officer review and approve all decisions to withhold responsive records, and will remand decisions that fail to properly consider the presumption of disclosure requirement.

¹⁹ *Freedom of Information Act and 2010 Sunshine Week*, available at

http://www.dhs.gov/xlibrary/assets/foia/priv_foia_sunshine_week_memo_2010-03-16.pdf.

²⁰ *Proactive Disclosure of Senior Officials' Calendars*, available at <http://www.dhs.gov/xlibrary/assets/foia/deputy-secretary-calendar-memo-20101112.pdf>.

- e. *What exemptions would have covered the information that was released as a matter of discretion?*

The Department's discretionary releases were typically of records covered by FOIA exemptions 2 and 5.

- f. *How does your agency review records to determine whether discretionary releases are possible?*

Many DHS Components have revised the way they review records to determine whether discretionary releases should be made. Generally, the Department's FOIA staff will conduct an initial review of records to determine, under the presumption of openness, what information ought to be disclosed on a discretionary basis. Before withholding a record, the FOIA staff confirms that it can be reasonably foreseen that disclosure of the record would harm an interest that is protected by one of the exemptions, consulting directly with the mission area with equities in the record. Finally, many Components have incorporated a supervisory review of documents being processed for release under FOIA to determine if any otherwise exempt information should be disclosed on a discretionary basis.

For example, OIG's FOIA staff reviews requested records to ensure that before a record is withheld, the staff reasonably foresees that disclosure would harm an interest protected by one of the FOIA exemptions, and often consults with staff in the OIG mission area with equities in the information. Thus if the information at issue involves an OIG Audit report, the staff consults with the OIG Office of Audits as needed in making the determination whether to withhold. Further, the FOIA staff determines whether to make discretionary releases of exempt information.

USCIS provides another example of staff determining what information is appropriate for discretionary release. The bulk of this Component's requests are generally for Alien files (hereafter referred as A-files), which do not typically lend themselves to discretionary release. However, for requests not dealing with A-files, USCIS has trained its FOIA staff to review closely all documents for potential discretionary release. FOIA staff also consults with the USCIS component responsible for the information to determine if any otherwise exempt information may be disclosed on a discretionary basis.

I&A and ICE are two Components that incorporated a supervisory review of requested records to determine if any otherwise exempt information may be disclosed on a discretionary basis. I&A implemented a robust review process, which includes the active collaboration and participation by the I&A FOIA Officer, I&A analysts and the Intelligence Law Division of the Office of General Counsel (OGC), which provides legal advice to I&A. The review process ensures a foreseeable harm review and analysis has been completed for all withheld and partially withheld documents. The ICE FOIA Office changed FOIA procedures to incorporate a supervisory review of requested records to determine if any otherwise exempt information may be disclosed on a discretionary basis.

- g. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.*

The Department has undertaken many initiatives to ensure that the presumption of openness is being applied in new ways. For example, CBP and ICE cooperated with National Geographic in its production of the TV program *Border Wars*. In another instance, CBP cooperated with the national media regarding stories on unmanned drones.

Additionally, in a non-FOIA context, OIG implemented a new routine use under the Privacy Act, 5 U.S.C. § 552a, which grants OIG discretion to release information to OIG complainants and victims who contact OIG requesting information regarding a complaint filed with OIG. Under this new routine use, OIG may release information: “To complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation arising from the matters of which they complained and/or of which they were a victim.”²¹

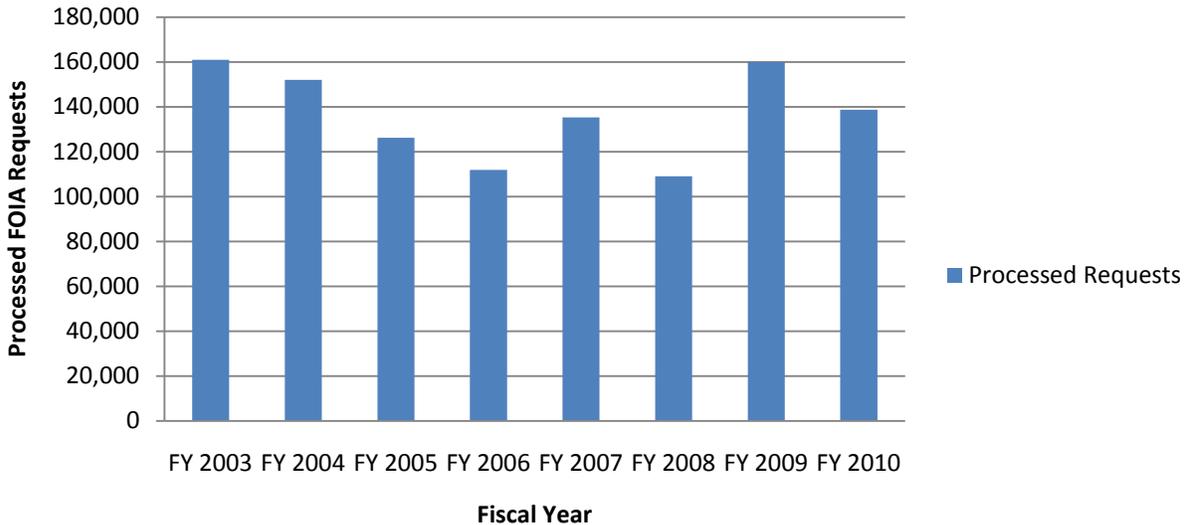
This new routine use falls squarely within the President’s presumption of openness by expanding OIG’s discretion to release information in certain circumstances to federal employees, contractors, private citizens, and other persons who contact OIG for assistance as whistleblowers, complainants, and victims. The routine use implements the President’s presumption of openness in that it: (1) provides for greater transparency by providing an additional mechanism for discretionary release; (2) streamlines OIG’s ability to provide information to complainants and victims by providing an immediate mechanism for disclosure; (3) reduces bureaucratic barriers by notifying complainants whom to contact in OIG for additional information on their allegations, for example, the agency to which their complaint was referred; (4) enhances public perceptions of DHS’s accountability by allowing OIG to respond directly and immediately to complainants’ and victims’ requests for information; (5) alleviates fears on the part of complainants that their complaints are being ignored; and (6) reduces the likelihood of multiple inquiries as well as repeated complaints by persons who are denied information on the status of their complaints.

2. Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report.

The Department received 130,098 requests in FY 2010, which is a 26% increase as compared to FY 2009. Although the Department processed slightly fewer requests, a decrease of 13% in FY 2010 in comparison to the previous fiscal year, the total number of requests processed was 138,651, a total that still represents the second highest number of initial requests processed by the Department since 2005, and more than any other federal agency this fiscal year. As a result, DHS reduced its backlog of FOIA requests by 40%, to 11,383.

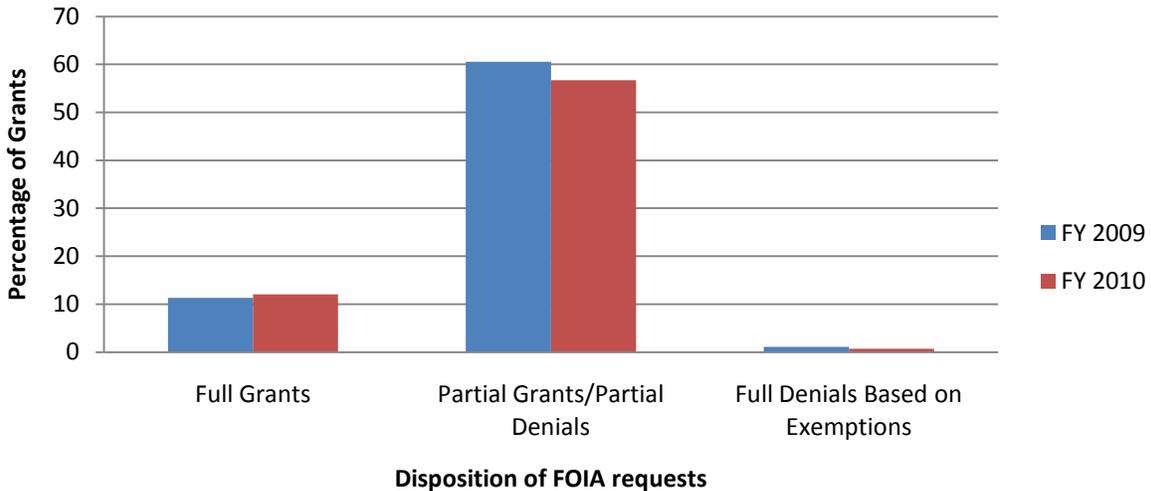
²¹ DHS OIG--002 Investigative Records System of Records, 74 Fed. Reg. 55569 (October 28, 2009).

FOIA Requests Processed FY 2003 - 2010



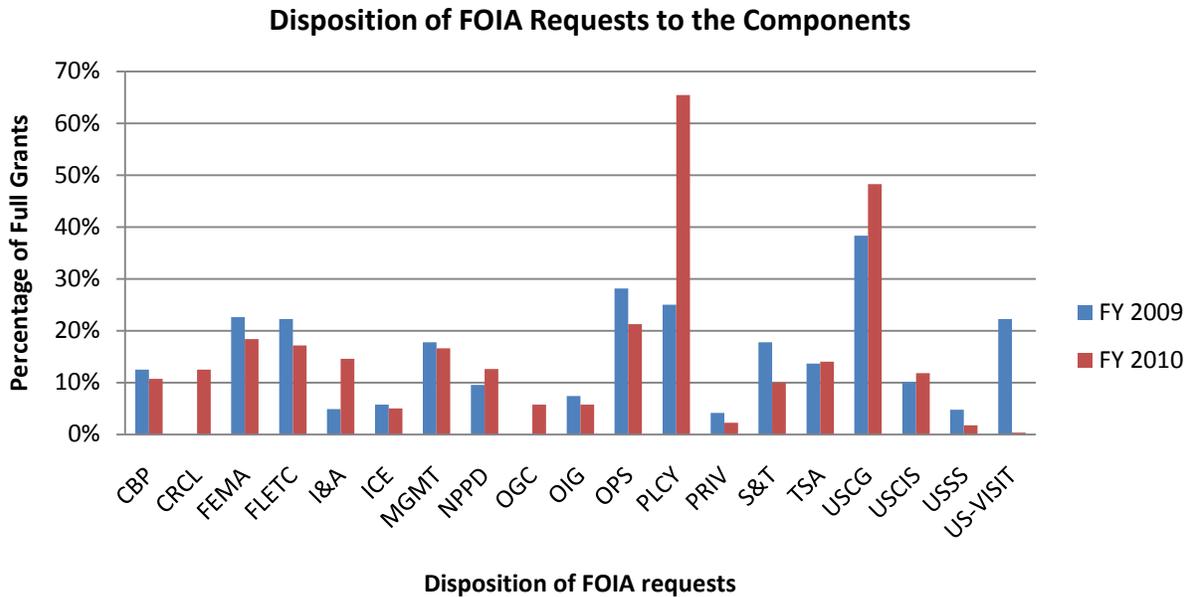
In FY 2009, of 160,007 processed FOIA requests, DHS made full/partial grants in 72% of the cases. In FY 2010, of 138,651 processed FOIA requests, DHS made full/partial grants 69% of the cases. The Department made progress in increasing full disclosures. In response to the 138,651 processed requests, in which the Department made a final disposition on responsive material for FY 2010, the Department increased its full disclosures by 1% as compared to FY 2009.

Disposition of FOIA Requests to the Department of Homeland Security



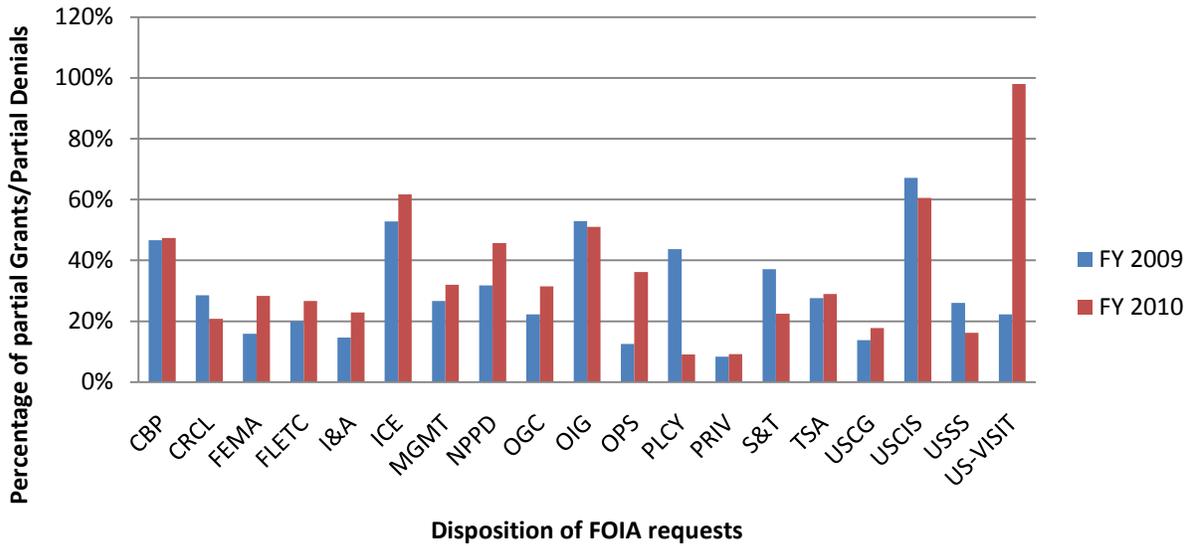
Because many DHS records requested under FOIA involve law enforcement matters, FOIA exemptions employed most often within DHS to deny information to requesters are exemptions (b)(6) and (b)(7)(C) to prevent unwarranted injury to the privacy interests of individuals, (b)(7)(E) to protect against the disclosure of law enforcement techniques, procedures and guidelines, and (b)(2) to protect against disclosure of certain types of information the release of which is likely to risk circumvention of laws or regulations.

Since many of the Department's programs involve the collection and maintenance of personal information, the Department's records are often subject to the requirements of the Privacy Act. This information is frequently requested under both FOIA and the Privacy Act. By policy, DHS affords all persons the same rights of disclosure under the Privacy Act as are statutorily granted to U.S. citizens.²² This approach provides all first party requesters of Privacy Act information the benefit of whichever statute (FOIA or the Privacy Act) provides the greater degree of disclosure.



²² *DHS Privacy Policy Guidance Memorandum 2007-1*, as amended (January 7, 2009), available at http://www.dhs.gov/xlibrary/assets/privacy/privacy_policyguide_2007-1.pdf.

Disposition of FOIA Requests to the Components



II. Steps Taken to Ensure that Your Agency has an Effective System In Place for Responding to Requests

1. Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

a. Do FOIA professionals within your agency have sufficient IT support?

The Department’s FOIA staff work closely with the Department’s information management staff to ensure excellent information technology support. In general, IT support throughout the Department is handled by an IT Help Desk at the Component level. In some instances, however, FOIA offices may have an IT specialist assigned as part of the staff to provide IT support, as needed.

In addition, Components reported working collaboratively with IT support staff to develop new ways of doing business. For example, the DHS FOIA Office and IT support staff provided instructions and guidance for converting a redacted document into a “Section 508 compliant” document prior to posting in their FOIA electronic reading rooms. Additionally, the Chief Security Officer together with the DHS FOIA Office provided guidance for use when redacting sensitive information in DHS documents.²³ The National Protection and Programs Directorate

²³ Redacting Sensitive Information, available at

(NPPD) FOIA Staff worked with the Office of Information Management to develop a new FOIA tracking system. CBP's Office of Information and Technology (OIT) and senior FOIA management are working to provide standardized redaction capability to field FOIA personnel nationwide. CBP is also continuing to work with OIT to develop a fully integrated electronic system for managing the FOIA process. Moreover, U.S. Secret Service (USSS) FOIA staff collaborated with their Component's Information Resources Management Division (IRMD) representatives to obtain assistance and support in acquiring a new FOIA Electronic Monitoring and Processing System. The USSS FOIA staff and representatives from IRMD identified possible solutions and USSS is moving forward to acquire a new system.

Additionally, several of the Department's Components are engaged in the procurement of an electronic FOIA processing system to significantly streamline and update their current administrative process. The FEMA Disclosure Branch will purchase FOIA solution software in the second quarter of FY 2011. Also the USCG Headquarters FOIA policy office and select high-volume USCG FOIA processors operate a newly acquired FOIA IT solution. Following testing of this FOIA solution, the USCG plans to expand the reach of the new IT solution to its field FOIA processors.

b. Describe how your agency's FOIA professionals interact with your Open Government Team.

As outlined in the Department's Open Government Plan,²⁴ the Department's FOIA staff, led by the Privacy Office, work directly with the Open Government Team to promote transparency of operations through accessibility. For the Department, success of the FOIA staff in reaching this goal is measured in the reduction of the backlog of FOIA requests, creation of additional electronic reading rooms within DHS operational Components, posting of records in compliance with Subsection (a)(2)(D), and proactive posting of records.

Timely publication of information is vital, and the Department does not view delays as an inevitable and insurmountable consequence of high demand. Therefore, consistent with the Proactive Disclosure Policy Memorandum, DHS FOIA staff have disclosed more than 338 documents, totaling more than 6,240 pages. In addition, the Department recently shifted its focus from by-request FOIA services to a more proactive approach for sharing information. The DHS FOIA website, www.dhs.gov/foia, hosts detailed information on how DHS processes requests, details how to submit a FOIA request, and links to the FOIA electronic reading rooms.

c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.

At the direction of the Director, the Department conducted an assessment in July 2010 to determine whether adequate staffing is being devoted to responding to FOIA requests. As a result of this assessment, many Components identified key vacancies to be filled. For example, as part of a conversion of contract resources the DHS FOIA Office added six senior FOIA staff to process requests submitted to the DHS FOIA Office Components. In addition, the USSS had

http://www.dhs.gov/xlibrary/assets/foia/priv_cfoiao_cso_memo_redacting_sensitive_information_20100505.pdf.

²⁴ See footnote 11.

allocated several new FOIA/PA Specialist positions in previous fiscal years. Most of those positions have been filled. The USSS FOIA staff has increased by six positions. Other individuals are currently in the hiring process and are awaiting background clearance.

Further, as of July 2010, US-VISIT transitioned from contract support to a full-time federal employee (FTE) FOIA Officer. US-VISIT has posted a vacancy for an additional FTE, and is seeking additional contract support. PLCY hired a seasoned FOIA professional to the position of FOIA Officer in August 2010, and adding more staff is under consideration for FY 2012. Federal Law Enforcement Training Center (FLETC) secured contract support to ensure that FOIA requests are processed in a more timely fashion. NPPD identified inadequate staffing and is in the final stages of hiring an additional FTE FOIA Analyst. Finally, in June 2010, the I&A FOIA Office was realigned under the I&A Privacy Office within the Office of Intelligence Oversight. As a result of this realignment, the I&A Privacy Officer is evaluating position availability, position descriptions, and is preparing justifications for additional staff to support the FOIA function.

Many of the Department's Components monitor FOIA resources and staffing on an annual basis. For instance, the ICE FOIA Office conducts annual reviews of its resources, workload, and staffing levels to determine if adjustments are necessary. OIG evaluates its staffing needs by reviewing its backlog and its timeliness in responding to FOIA requests. The USCG monitors the change in number of requests received, state of the backlog, and the number/nature of appeals received.

Several Components filled key leadership vacancies. For instance, FEMA selected a Records Management Division Director. The new FEMA Records Management Division Director assessed the staffing needs and hired three key staff members: the Disclosure Branch Chief and two team leaders. In addition, the FEMA Records Management Division Director reorganized the Disclosure Branch into distinct teams of processors to ensure better oversight of individual cases as well as process improvements. In another example, CBP selected a FOIA Director who entered on duty at the end of April 2010 and assessed the volume of FOIAs in the Division including the FOIA referrals from USCIS. Recognizing the challenge posed by the volume of FOIA requests and USCIS referrals, the CBP FOIA Director identified staffing needs and conducted a cost analysis, enabling senior management to acquire a short-term solution of additional contractors to process the USCIS referrals.

d. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

The Department has policies and procedures in place to ensure that the FOIA system operates efficiently and effectively. The DHS FOIA Office, working with Component FOIA staff, is always looking for ways to improve business processes and increase productivity. The DHS FOIA Office periodically conducts best practice reviews of FOIA programs within DHS and other federal agencies in an effort to make improvements.

For instance at USCIS, the FOIA staff are currently in the process of doing a technology "refresh" to their FOIA processing system, which utilizes commercial, off-the-shelf (COTS) software, as well as specifically designed programming for the Component. It is anticipated that

the new software will offer many enhancements to the current processes. One of the highly anticipated future changes will be the ability of the public to submit online FOIA requests to USCIS. In addition, USCIS and CBP entered into a Service Level Agreement in which USCIS began processing all CBP documents within A-files effective October 1, 2010.

In another example, the FEMA Disclosure Branch commissioned a study as part of a FOIA reengineering initiative. This led to the decision to move from a team processing strategy to a comprehensive system in which a single specialist has accountability for each request assigned. In November 2010, the FEMA Disclosure Branch implemented internal weekly reports, metrics, and other data analysis methods to improve the flow and completion of FOIA requests.

III. Steps Taken To Increase Proactive Disclosures

1. **Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines. In doing so, answer the questions listed below and describe any additional steps taken by your agency to make proactive disclosures of information.**

a. Has your agency added new material to your agency website since last year?

Yes.

b. What types of records have been posted?

In accordance with President Obama's Open Government Initiative,²⁵ the Chief FOIA Officer²⁶ directed the Department to proactively post the following categories of information:

1. Historical daily schedules of the most senior agency officials (notated to reflect that officials may have deviated from the posted schedule and abridged as appropriate for security and privacy concerns)
2. Executed contracts and grants
3. Management directives and instructions
4. Congressional correspondence under DHS control
5. FOIA logs
6. Any records released pursuant to a FOIA request that have been, or are likely to become, the subject of three or more requests²⁷

Consistent with the Chief FOIA Officer's directions, beginning with the January 2009 records and continuing to the present, DHS components have posted logs of FOIA requests they received totaling 6,069 pages.²⁸ These FOIA logs provide valuable insight into the types of information

²⁵ See footnote 12.

²⁶ See footnote 14.

²⁷ 5 U.S.C. § 552(a)(2)(D).

²⁸ This number covers parts of three fiscal years: FY 2009 (2,512); FY 2010 (3,308); FY 2011 (249). Therefore, this report uses only the FY 2010 count in its proactive disclosure total for this reporting period.

sought by the public through the FOIA request process, making the logs useful tools in understanding what DHS operations are of particular interest to the public. Additionally, as noted earlier, the DHS FOIA Office has posted a great deal of information pursuant to the proactive disclosure elements, particularly historical daily schedules of senior leaders, all DHS Management Directives, contracts that have been requested through FOIA, memoranda related to FOIA operations at DHS, and records responsive to Subsection (a)(2)(D).

In consultation with ICE program offices, the ICE FOIA Office has disclosed proactively its policies, procedures, and reports on the ICE website totaling more than 448 pages. In addition, CBP continues to post updates and/or modifications to contracts that are already in the FOIA reading room. CBP also posts new contracts, final opinions, FOIA logs, policies and procedures, and significant records of interest, such as the Commissioner's monthly calendar.

USCIS has added a great deal of information to their public website within the last fiscal year. For example, they posted updates to various guides, as well as updated copies of their most frequently used forms. In addition, USCIS posts their Administrative Appeals Office decisions and precedent-setting decisions on a routine basis. USCIS also actively uses the Office of Public Engagement to post proposed memoranda and proposed forms for public comment.

- c. Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.*

In addition to the previously-mentioned categories of information that are posted proactively, the Department routinely posts information that used to be available only by making FOIA requests. For example, the DHS FOIA Office posts procurement records that include awards, orders, solicitation, and the DHS purchase cardholder listing, as well as other records that meet the "frequently requested records" standards under Subsection (a)(2)(D), as discussed below in III d. Additionally, the ICE FOIA Office routinely posts information regarding deaths of individuals in ICE custody. This information was previously available only by making FOIA requests.

- d. What system do you have in place to routinely identify records that are appropriate for posting?*

The Department's Components have implemented administrative processes to routinely identify records that are appropriate for posting. These include additional reviews by FOIA staff, supervisory reviews, and changes to the tracking of FOIA requests received.

For example, on December 8, 2010, the Chief FOIA Officer issued a memorandum²⁹ outlining for the DHS FOIA Office the Procedures and Standards for Effectively Implementing Section (a)(2)(D) of FOIA. These procedures include assignment of one or more key words by the Associate Director, Disclosure and FOIA Operations, when the FOIA request is logged into the tracking system. When FOIA requests are logged in, a key word search is performed to determine whether there have been requests for substantially the same records. If it is determined that three or more requests submitted during a three-year time frame for substantially the same information, the Associate Director, Disclosure and FOIA Operations is notified. The

²⁹ See footnote 10.

Associate Director, Disclosure and FOIA Operations will review the requests to determine if the requests meet the Subsection (a)(2)(D) standards for substantially similar records; if so s/he will authorize in writing that the responsive records be posted on the DHS website and notify the Director and Chief FOIA Officer of the determination. In addition, even if the DHS FOIA Office has not yet received three or more requests for substantially the same record, the Associate Director, Disclosure and FOIA Operations, may recommend to the Chief FOIA Officer to disclose proactively certain types of records pursuant to Subsection (a)(2)(D) and the August 26, 2009 DHS Proactive Disclosure Memorandum.³⁰

CBP created a system that when more than two FOIA requests for substantially the same information is received, the responsive documents are posted to the Reading Room, such as the BorderStat Violence Report (annual report). Additionally, OIG implemented a structured compilation and processing program for ensuring it posts all appropriate information for proactive release as quickly as possible. Specifically, the staff has a standing request to the Inspector General's office to provide access to his calendar electronically on a monthly basis. The FOIA staff then works with the Inspector General's staff to process the calendar for posting. The OIG FOIA staff also compiles, under a set schedule, the OIG FOIA Log and Congressional Correspondence Log and again, works with OIG's mission area offices in order to provide for the greatest possible release of information contained in these publications.

e. How do you utilize social media in disseminating information?

The Department is continually seeking new and innovative ways to disseminate information. These efforts include postings to the Internet (e.g., blogging) and increasing our ever-growing presence on social network sites, such as Twitter, Facebook, and YouTube.

For example, individuals can follow FEMA (FEMA), CBP (customsborder), ICE (wwwICEgov), TSA (TSABlogTeam), USCG (uscoastguard), and USCIS (USCIS) on Twitter.

Additional Twitter feeds include, but are not limited to:

- DHSJournal, Department of Homeland Security
- Citizen_Corps, Citizen Corps, FEMA
- craigatfema, FEMA
- femaregion1, FEMA
- femaregion2, FEMA
- femaregion3, FEMA
- femaregion4, FEMA
- femaregion5, FEMA
- femaregion6, FEMA
- femaregion7, FEMA
- femaregion8, FEMA
- femaregion9, FEMA
- femaregion10, FEMA
- femalro, FEMA

³⁰ See footnote 14.

- ReadydotGov, Ready
- dhsscitech, Science and Technology Directorate
- usfire, U.S. Fire Administration, FEMA

The Department hosts several blogs, including:

- Leadership Journal, Department of Homeland Security
- The Blog @ Homeland Security, Department of Homeland Security
- TSA Blog, Transportation Security Administration
- Chief’s Corner, U.S. Fire Administration

CBP maintains a robust presence on the Internet, using YouTube, Twitter, and e-mail to engage with the public. Individuals can register for e-mail updates and CBP also has a “CBP Info Center” where an individual can post e-mails with specific questions, concerns, or inquiries regarding CBP. Additionally, CBP disseminates general information about the component as well as its role in the fight against terrorism, on videos posted to YouTube. Examples of YouTube postings this year include *The Joint Bi-national Border*, and *Operation Safe Return*, which covers CBP's relief efforts in Haiti.

Finally, the USCG is another great example of DHS using social media to disseminate information using blogs, Facebook, Flickr, Twitter, and YouTube. Below is a listing of official USCG social media accounts in addition to the main USCG account referenced above:

BLOGS	FACEBOOK	FLICKR/YOUTUBE	TWITTER
The Coast Guard Compass iCommandant Coast Guard All Hands Coast Guard Marine Safety USCG TRACEN Cape May National Strike Force iFORCECOM The Heartland Guardian – District 8 Your Great Lakes Coast Guard – District 9 USCG Pacific Northwest – District 13 USCGAlaska – District 17 Sector Los Angeles-Long Beach USCG Pay and Personnel Center AMVER On Scene – Journal of USCG Search and Rescue National Maritime Security Advisors Committee	US Coast Guard Deployable Operations Group (DOG) USCG Barque EAGLE USCG New York City USCG Jacksonville, Fla USCGC PENOBSCOT BAY USCGC DILIGENCE USCG Auxiliary USCG Academy Alumni Association USCG D14 Public Affairs USCG D5 Public Affairs America's Waterway Watch AMVER Coast Guard Band USCG Historian Coast Guard Exchange	FLICKR Coast Guard Imagery Sector Mobile USCG CIO’s Office uscgpess District 5 Public Affairs District 9 District 13 Auxiliary D13 Auxiliary 3-02 YouTube USCImagery USCGAAdmissions USCGRecruiting USCGD8 USCGD9 USCGD13 D14PUBLICAFFAIRS USCGD17Imagery uscgd7 DOGPublicAffairs	uscoastguard cgcompass iCommandantUSCG forcecompao Flotilla4 uscgau GloucesterAUX64 USCGNewEngland uscgd13 cgchealy

BLOGS	FACEBOOK	FLICKR/YOUTUBE	TWITTER
USCG Mission Support Log CG Prevention 5th District Coast Guard Blue Water CG MSST Los Angeles D14 Blog ME Rating Blog USCG Auxiliary Pacific Northwest			

For a full listing of how the Department uses “Web 2.0,” social media technologies and web sites, please visit http://www.dhs.gov/xabout/gc_1238684422624.shtm.

f. Describe any other steps taken to increase proactive disclosures at your agency.

None, other than those described above.

IV. Steps Taken To Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to “use modern technology to inform citizens about what is known and done by their Government” In addition to using the Internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. In 2010 agencies reported widespread use of technology in handling FOIA requests. For this section of your Chief FOIA Officer Report for 2011, please answer the following more targeted questions:

1. Electronic receipt of FOIA requests:

a. What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?

All DHS Components can receive requests electronically.³¹

b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

N/A

c. What methods does your agency use to receive requests electronically?

	Internet (Web based)	E-mail
CBP		✓
CRCL		✓
FEMA		✓
FLETC	✓	✓
I&A		✓
ICE	✓	✓

³¹ Privacy Impact Assessment for the Department Freedom of Information Act and Privacy Act Records Program, August 18, 2010, available at http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia_dhs-foia-and-pa.pdf.

	Internet (Web based)	E-mail
MGMT		✓
NPPD		✓
OGC		✓
OIG		✓
OPS		✓
PLCY		✓
PRIV		✓
S&T		✓
TSA		✓
USCG		✓
USCIS		✓
USSS		✓
US-VISIT		✓

2. Electronic tracking of FOIA requests:

a. *What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?*

All DHS Components have the capability to track requests electronically.

b. *To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?*

N/A

c. *What methods does your agency use to track requests electronically?*

	Departmentally Developed	FOIA COTS	MS-Access Data Base	MS-Excel Spreadsheet
CBP		✓		
CRCL				✓
FEMA		✓		
FLETC				✓
I&A		✓		✓
ICE	✓	✓		
MGMT				✓
NPPD		✓		✓
OGC				✓
OIG			✓	✓
OPS				✓
PLCY		✓		✓
PRIV		✓		✓
S&T		✓		✓
TSA	✓	✓		
USCG		✓		
USCIS	✓			
USSS	✓			✓
US-VISIT				✓

3. Electronic processing of FOIA requests:

a. *What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?*

All DHS Components can process requests electronically.

b. *To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?*

N/A

c. *What methods does your agency use to process requests electronically?*

	Word processing	Generic redaction software	E-mail	Other
CBP	✓	✓	✓	✓
CRCL	✓	✓	✓	✓
FEMA	✓	✓	✓	✓
FLETC	✓	✓	✓	✓
I&A	✓	✓	✓	✓
ICE	✓	✓	✓	✓
MGMT	✓	✓	✓	✓
NPPD	✓	✓	✓	✓
OGC	✓	✓	✓	✓
OIG	✓	✓	✓	✓
OPS	✓	✓	✓	✓
PLCY	✓	✓	✓	✓
PRIV	✓	✓	✓	✓
S&T	✓	✓	✓	✓
TSA	✓	✓	✓	✓
USCG	✓	✓	✓	✓
USCIS	✓	✓	✓	✓
USSS	✓	✓	✓	✓
US-VISIT	✓	✓	✓	✓

4. Electronic preparation of your Annual FOIA Report:

a. *What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.*

	Departmentally Developed	FOIA COTS	MS-Access Data Base	MS-Excel Spreadsheet
CBP		✓		
CRCL				✓
FEMA		✓		
FLETC		✓		
I&A		✓		✓
ICE	✓	✓		
MGMT				✓
NPPD		✓		✓
OGC				✓
OIG			✓	✓
OPS				✓
PLCY		✓		✓
PRIV		✓		✓
S&T		✓		✓
TSA	✓	✓		
USCG		✓		
USCIS	✓			
USSS	✓			✓

	Departmentally Developed	FOIA COTS	MS-Access Data Base	MS-Excel Spreadsheet
US-VISIT				✓

- b. *If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.*

USSS FOIA program’s existing system does not capture some of the newly-required information. Efforts are currently underway to develop and procure a more robust system to meet the new reporting requirements.

OIG is looking into developing a FOIA-based database that will combine the benefits of the commercial spreadsheet with the FOIA-centric commercial database software to generate future FOIA annual reports (and any other FOIA-related reports).

The FEMA Disclosure Branch will acquire a FOIA COTS to assist in recordkeeping and reporting.

V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Improvements to timeliness in responding to pending FOIA requests and reductions in backlogs are both ongoing agency efforts. The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. Section XII of your Annual FOIA Report includes figures that show your agency's backlog of pending requests and administrative appeals for the past two fiscal years. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In this section you should address the following elements.

1. If your agency has a backlog, report here whether that backlog is decreasing. That reduction should be measured in two ways.

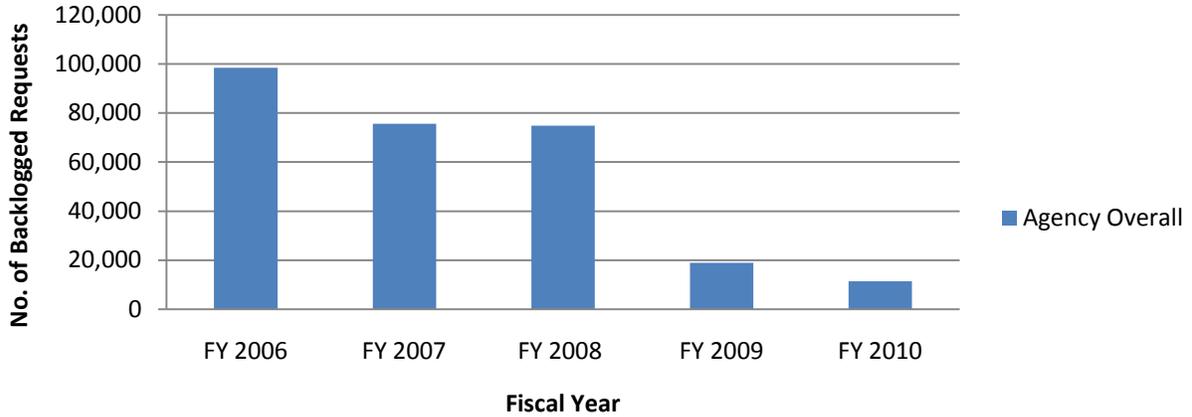
- a. *First, report whether the number of backlogged requests and backlogged administrative appeals that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year.*

DHS began its operations with a large, inherited FOIA backlog due to the pre-existing agency backlogs. Additionally, when the new Department stood up, it generated a flood of requests because of its status and mission. The result was a 98,396-request backlog at the end of FY 2006—the largest federal FOIA backlog in history.³² Despite resource constraints during that period, and the fact that from 2006 to 2009 the number of total requests to the Department held relatively constant, in the last three years DHS has reduced its backlog by over 80%. At the end of FY 2009, the backlog was 18,787. As of September 30, 2010, the DHS-wide backlog was

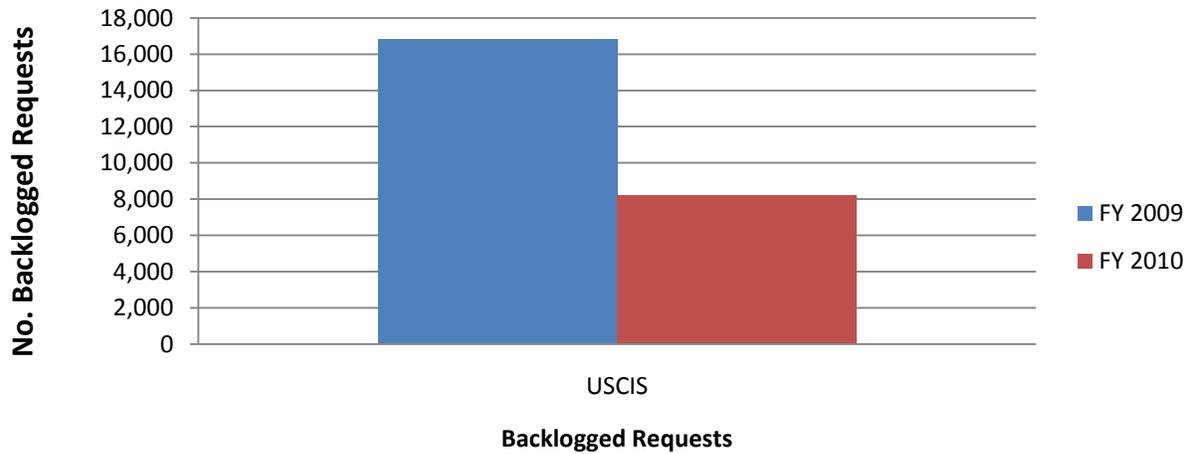
³² DHS started collecting backlog information from the components in June 2006. The FY 2006 and FY 2007 numbers above are derived from that data. DOJ required backlog reporting effective FY 2008. The above FY 2008 and FY 2009 information is from DHS Annual FOIA Reports to the Attorney General.

11,383 despite a concomitant 26% increase in FOIA requests. This incredible result is due to the ongoing dedication of the DHS FOIA professionals.

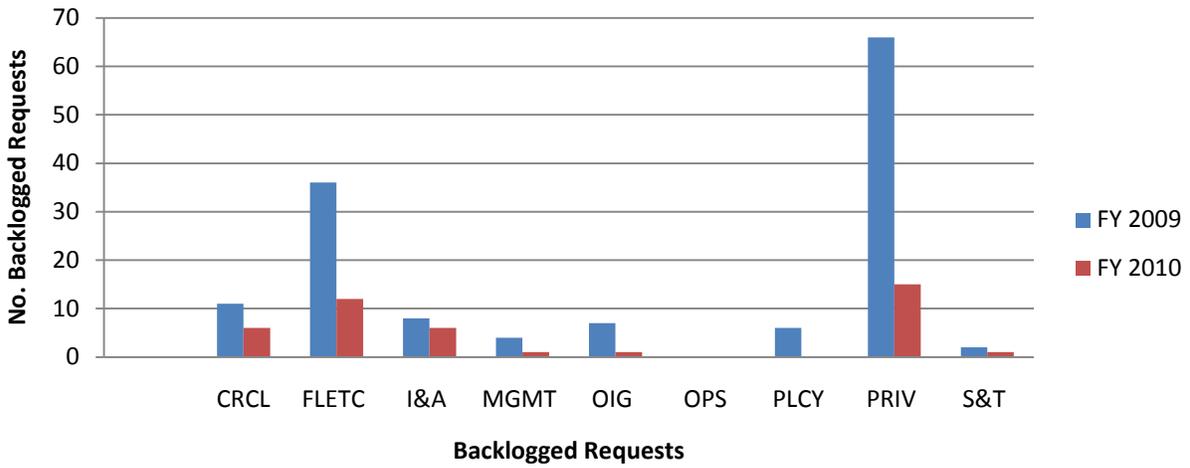
History of Backlogged Requests



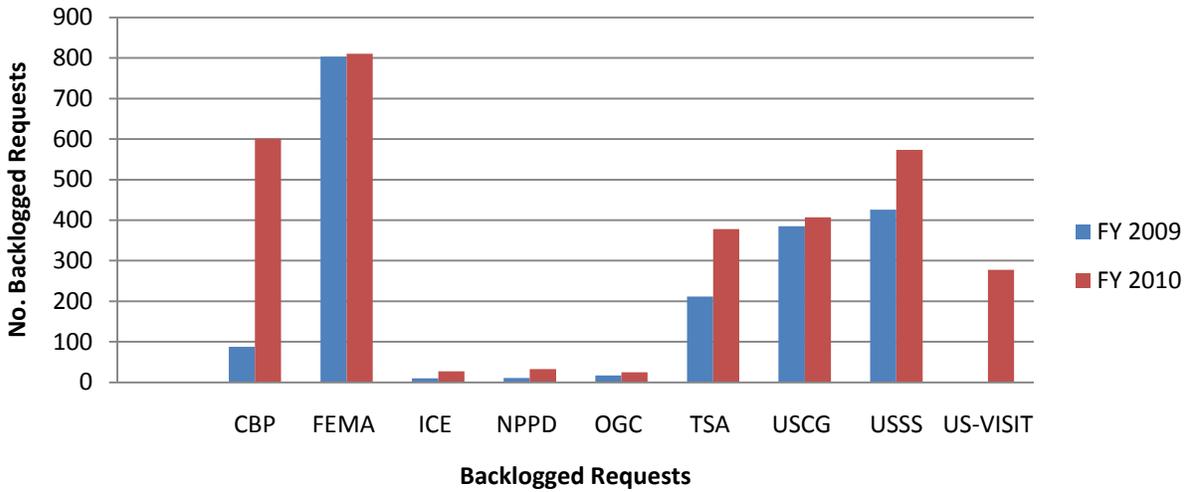
USCIS Number of Backlogged Requests as of End of the Fiscal Year Comparison - Decrease



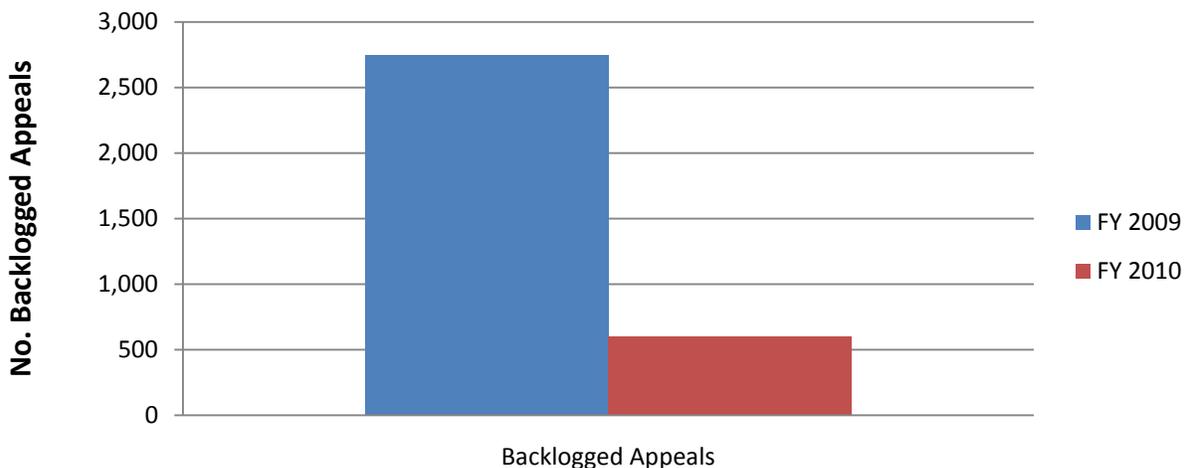
Additional Components' Number of Backlogged Requests as of End of the Fiscal Year Comparison - Decreases



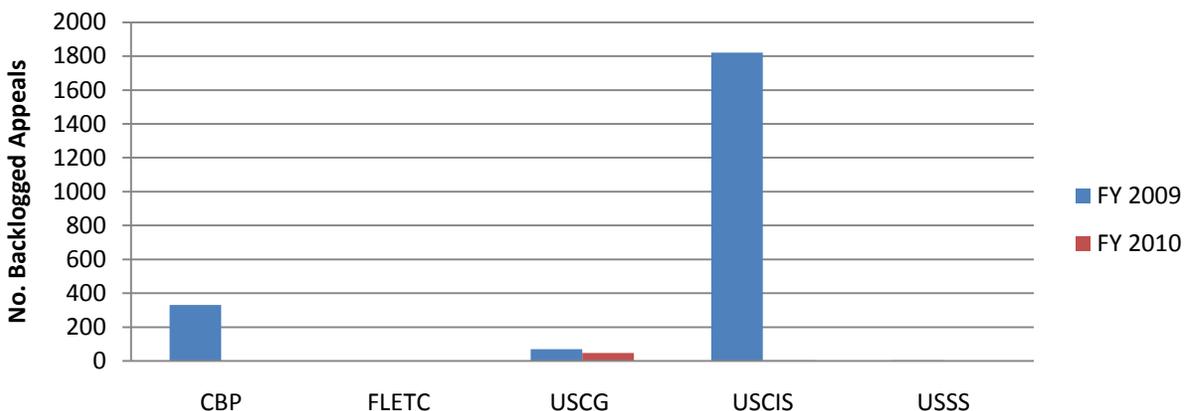
Components' Number of Backlogged Requests as of End of the Fiscal Year Comparison - Increases



Agency Overall Number of Appeals Backlogged as of End of the Fiscal Year(s)



Components' Number of Backlogged Appeals as of End of the Fiscal Year Comparison - Decreases



b. *Second, report whether your agency closed in Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them your agency did close.*

The Department reported in the FY 2009 FOIA Annual Report 170 requests in the ten oldest pending request category. During FY 2010, the Department closed all of these except nine, a 95% percent improvement.³³ Since the release of the FOIA 2010 Annual Report, FEMA has closed the final two of their remaining ten oldest pending requests from FY 2009.

³³ Requests and Appeals Reported in the FY 2009 FOIA Annual Report that were still pending as of the end of FY 2010 are highlighted in red in both the Ten Oldest Pending Requests and the Ten Oldest Pending Appeals tables. The FY 2009 FOIA Annual Report is available at http://www.dhs.gov/xlibrary/assets/foia/privacy_rpt_foia_2009.pdf. The FY 2010 FOIA Annual Report is available at <http://www.dhs.gov/xlibrary/assets/foia/privacy-rpt-foia-2010.pdf>.

Ten Oldest Pending Requests as Reported FY 2009:

		10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
USCIS	Date of Receipt	3/21/2008	2/20/2008	2/1/2008	1/31/2008	1/29/2008	1/2/2008	11/13/2007	8/22/2007	8/1/2007	7/31/2006
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
CBP	Date of Receipt	4/8/2008	4/3/2008	4/2/2008	3/6/2008	2/11/2008	2/5/2008	2/5/2008	12/28/2007	11/21/2007	10/11/2007
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
CRCL	Date of Receipt	8/28/2009	8/7/2009	5/30/2009	4/10/2009	3/3/2009	1/15/2009	12/9/2008	11/17/2008	9/29/2008	9/25/2008
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
USCG	Date of Receipt	3/10/2009	2/19/2009	12/30/2008	12/24/2008	12/19/2008	12/11/2008	12/8/2008	8/20/2008	4/8/2008	9/17/2007
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
FEMA	Date of Receipt	4/11/2006	3/15/2006	3/14/2006	3/3/2006	12/28/2005	10/28/2005	10/3/2005	9/5/2005	5/4/2005	11/9/2004
	Number of Days Pending	CLOSED	CLOSED	893	900	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
FLETC	Date of Receipt	6/23/2009	6/23/2009	6/23/2009	6/9/2009	6/4/2009	5/29/2009	5/22/2009	5/20/2009	5/11/2009	4/14/2009
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
I&A	Date of Receipt	Not Applicable		9/21/2009	9/10/2009	9/10/2009	9/4/2009	9/4/2009	9/4/2009	9/3/2009	7/28/2009
	Number of Days Pending	Not Applicable		CLOSED							
ICE	Date of Receipt	9/2/2009	8/28/2009	8/18/2009	8/10/2009	7/20/2009	7/8/2009	6/24/2009	5/14/2009	3/16/2009	1/21/2009
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
MGMT	Date of Receipt	9/28/2009	9/25/2009	9/25/2009	9/23/2009	9/22/2009	9/9/2009	8/7/2009	8/7/2009	8/7/2009	8/3/2009
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
NPPD	Date of Receipt	9/2/2009	7/30/2009	7/28/2009	7/13/2009	6/19/2009	6/3/2009	6/3/2009	6/3/2009	3/18/2009	2/27/2009
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	84	CLOSED	CLOSED
US-VISIT	Date of Receipt	Not Applicable									7/30/2009
	Number of Days Pending	Not Applicable									CLOSED
OIG	Date of Receipt	Not Applicable		9/30/2009	9/22/2009	8/28/2009	8/25/2009	7/23/2009	4/13/2009	1/16/2009	11/18/2008
	Number of Days Pending	Not Applicable		CLOSED							
OGC	Date of Receipt	5/18/2009	5/11/2009	3/2/2009	2/24/2009	2/4/2009	1/22/2009	12/25/2008	9/19/2008	2/25/2008	11/1/2007
	Number of Days Pending	95	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
OPS	Date of Receipt	Not Applicable, No Pending Requests									
	Number of Days Pending	Not Applicable, No Pending Requests									
PLCY	Date of Receipt	1/30/2009	1/2/2009	1/2/2009	12/18/2008	12/15/2008	12/11/2008	12/11/2008	11/28/2008	11/5/2008	9/12/2008
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
PRIV	Date of Receipt	1/16/2009	1/12/2009	12/18/2008	12/15/2008	11/18/2008	11/18/2008	9/19/2008	3/25/2008	6/13/2007	5/16/2007
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
S&T	Date of Receipt	Not Applicable								9/1/2009	8/3/2009
	Number of Days Pending	Not Applicable								CLOSED	CLOSED

		10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
USSS	Date of Receipt	3/16/2005	1/13/2005	1/13/2005	1/13/2005	4/20/2004	4/20/2004	3/29/2002	3/29/2002	3/29/2002	3/29/2002
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
TSA	Date of Receipt	1/25/2007	1/17/2007	12/12/2006	10/25/2006	8/2/2006	2/10/2006	2/3/2006	1/31/2006	11/1/2004	10/27/2004
	Number of Days Pending	CLOSED	681	CLOSED	CLOSED	794	CLOSED	919	CLOSED	1,235	1,238
AGENCY OVERALL	Date of Receipt	1/13/2005	11/9/2004	11/1/2004	10/27/2004	4/20/2004	4/20/2004	3/29/2002	3/29/2002	3/29/2002	3/29/2002
	Number of Days Pending	CLOSED	CLOSED	1,235	1,238	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED

The Department reported in the FY 2009 FOIA Annual Report 48 appeals in the ten oldest pending appeals category. During the FY 2010, the Department closed all of these except three, a 94% percent improvement.

Ten Oldest Pending Appeals:

		10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
DHS/OGC	Date of Receipt	1/24/2006	11/22/2005	11/19/2005	11/14/2005	10/17/2005	5/2/2005	3/10/2005	3/3/2005	2/8/2005	2/8/2005
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	1,151	1,167	1,167
USCIS	Date of Receipt	9/8/2005	9/8/2005	9/8/2005	9/8/2005	9/8/2005	8/30/2005	8/29/2005	8/29/2005	8/29/2005	5/19/2003*
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
CBP	Date of Receipt	9/12/2007	9/6/2007	8/31/2007	8/10/2007	8/10/2007	8/10/2007	6/22/2007	5/30/2007	4/16/2007	2/6/2007
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
FLETC	Date of Receipt	Not Applicable, No Pending Appeals									
	Number of Days Pending	Not Applicable, No Pending Appeals									
TSA	Date of Receipt	Not Applicable								7/24/2009	6/23/2009
	Number of Days Pending	Not Applicable								CLOSED	CLOSED
USCG	Date of Receipt	1/15/2009	1/14/2009	10/30/2008	10/6/2008	8/26/2008	7/18/2008	2/14/2008	2/14/2008	11/14/2007	10/11/2007
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
USSS	Date of Receipt	Not Applicable				9/28/2009	9/14/2009	1/6/2009	5/23/2008	5/23/2008	8/17/2007
	Number of Days Pending	Not Applicable				CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
AGENCY OVERALL	Date of Receipt	8/30/2005	8/29/2005	8/29/2005	8/29/2005	5/2/2005	3/10/2005	3/3/2005	2/8/2005	2/8/2005	5/19/2003*
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	1,151	1,167	1,167	CLOSED

2. If there has not been a reduction in the backlog as measured by either of these metrics, describe why that has occurred. In doing so, answer the following questions and then include any other additional explanation:

- a. Is the backlog increase a result of an increase in the number of incoming requests or appeals?*

The following Components reported an increase in the number of backlogged FOIA requests: CBP, FEMA, ICE, NPPD, OGC, TSA, USCG, USSS, and US-VISIT. Many of these Components identified an increase in incoming requests, as evidenced by the Department receiving 130,098 requests in FY 2010, which is an agency overall increase of 26%. For example, CBP experienced a 28% increase in FOIA requests and USSS experienced a 35% increase.

- b. Is the backlog increase caused by a loss of staff?*

Of the Components that reported an increase in the number of backlogged FOIA requests (CBP, FEMA, ICE, NPPD, OGC, TSA, USCG, USSS, and US-VISIT), only TSA reported the backlog increased as a result of staff attrition.

- c. Is the backlog increase caused by an increase in the complexity of the requests received?*

Many of the Components that reported an increase in the number of backlogged FOIA requests identify the complexity of the requests as a reason for the backlog increase. It is DHS' experience that some of these FOIA requests exceed ten pages in length, or seek a large volume of often-unrelated records from multiple agencies, adding to the complexity of the processing. For example, USCG received an extraordinary number of FOIA requests related to the USCG's operations with regard to Deepwater Horizon, totaling over 125. This unusual event, and the related complex FOIA requests, impacted USCG's ability to reduce its backlog. Furthermore, the USCG FOIA staff stated that as the requester community grows, the number of requests and the complexity of requests continue to increase.

- d. What other causes, if any, contributed to the increase in backlog?*

N/A

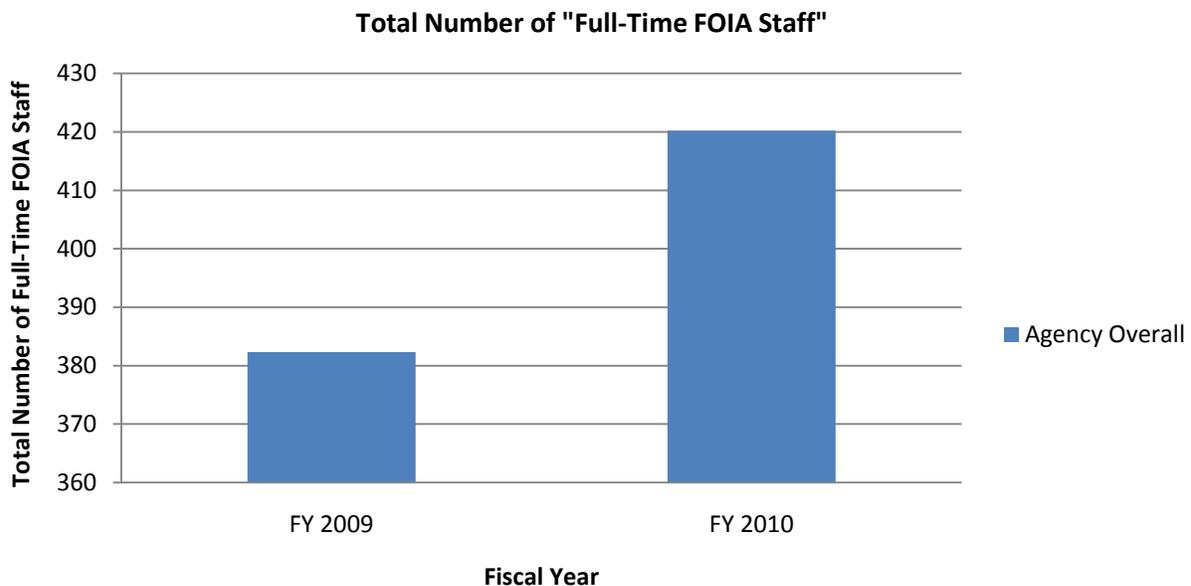
3. Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals. In doing so answer the following questions and then also include any other steps being taken to improve timeliness.

- a. Does your agency routinely set goals and monitor the progress of your FOIA caseload?*

Although OMB's Open Government Directive called for a government-wide 10% backlog reduction annually, the Chief FOIA Officer set a 15% reduction goal for DHS for FY 2010.³⁴ In order to stay on track to meet this goal, each Component needed to meet a monthly processing target, calculated using variables such as the number of requests received per month and the Component's processing capacity. Due to consistent monitoring, communications, and leveraging of resources, the Department's FOIA staff was not only able to meet the DHS Open Government backlog reduction goal, but was able to reduce the request backlog by 40% overall, despite the 26% increase in FOIA requests.

b. Has your agency increased its FOIA staffing?

Yes.



c. Has your agency made IT improvements to increase timeliness?

The Department has made the following IT improvements to increase its timeliness. USCIS is currently in the process of doing a technology “refresh” to their FOIA processing system. It is anticipated that the new software will offer many enhancements to the current processes. One of the highly anticipated future changes will be the ability of the public to submit online FOIA requests to USCIS.

d. Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?

The Chief FOIA Officer works with Component leadership to ensure the Department's Components devote adequate resources to their FOIA programs and the backlog elimination effort.

³⁴ See footnote 11.

Part 3. Our Spotlight on Success: Great Improvement in the Department of Homeland Security

I. USCIS FOIA Program Highlights

USCIS has made great strides to ensure that the Administration's goals are met through the USCIS FOIA program. Following the establishment of the National Records Center (NRC) in 1999, centralization of USCIS FOIA operations at the NRC was completed in 2005. Centralization created an opportunity for greater efficiency, enhanced productivity, and increased consistency.

The NRC is responsible for storing and tracking 25.1 million A-files and providing support to USCIS, ICE, and CBP 24 hours a day, seven days a week. The NRC has the primary responsibility to maintain and provide timely access to immigration records and information to the public in support of benefit, law enforcement, and national security programs.

Transparency, proactive disclosure, and openness are core principles of the USCIS FOIA program, and the basis of its success. NRC FOIA Operations has 120 federal employees dedicated to processing FOIA requests, all located at the NRC in Lee's Summit, Missouri. USCIS leadership stresses that transparency must begin at the top. To emphasize the value that USCIS leadership places on openness and disclosure, USCIS Director Alejandro Mayorkas recently approved 30 additional employees to be devoted to FOIA Operations in FY 2011 and began a proactive open disclosure process to share draft policies with all USCIS stakeholders, welcoming feedback.

The USCIS FOIA program is the largest FOIA program within DHS. In FY 2010, USCIS received 91,503 new requests, with nearly 10,000 new requests a month during the last several months of the fiscal year. Despite the high volume of requests, the Component has made significant progress in reducing its daunting backlog of FOIA requests. By making process changes and focusing on strategic goals, the NRC was able to reduce the backlog of 88,361 FOIA requests in 2006 to approximately 8,000 backlogged cases at the end of FY 2010. The work of the USCIS FOIA program was supplemented by contract staff for the first quarter of FY 2010. Of the 101,000 FOIA cases processed over the course of the year, 70,000 FOIA cases processed by government personnel alone.

Reducing the backlog required hard work by every member of the FOIA program staff and efficient organization at the leadership level. During FY 2010, USCIS FOIA program priorities focused on further reducing the backlog of FOIA cases and reducing the processing times through consistent application of process improvements. A strategic goal was set to reduce the number of backlogged cases by 15%. However, as the year progressed, the number of requests from the public began to spike. Program projections had estimated an average of 6,300 requests per month, but by March, receipts had climbed to 7,631 and during the second half of the fiscal year, there were an average of 8,600 requests per month, a 36% increase over the projection. As

a result, meeting the goal to reduce the backlog by 15% would require staff to process significantly more cases than anticipated. With increased emphasis on the most efficient use of available resources, the USCIS FOIA program ended FY 2010 with a 49% reduction in backlogged cases, far exceeding the original goal.

Additionally, the USCIS FOIA program began FY 2009 with 2,072 pending FOIA appeals, but reduced that number to 89 pending appeals by the end of FY 2010. The agency has committed to providing additional staff to this effort in the future, ensuring that FOIA appeals are timely and appropriately addressed.

The USCIS FOIA program has also placed special emphasis on using technology to enhance the FOIA process. The program increased the use of electronic media responses to requesters, significantly reducing the production of paper responses to FOIA requests and yielding a savings in time and resources. For requesters that specifically asked for paper, the program sent 1,063,227 printed pages in response in FY 2010, a significant reduction from the 3,606,513 printed pages sent in FY 2009. Staff also focused on using advanced technology to accommodate the heightened amount of requests while continuing process and customer service improvements. Calls from requesters are now routed to the National Customer Service Center (NCSC) for handling. The NCSC system was upgraded to include a “punch out” expressly for FOIA-related questions, relieving staff of non-FOIA questions. Callers are routed, when necessary, through additional avenues of contact, such as an e-mail box, fax transmission, or regular mail, to obtain a response to their inquiries. In a future enhancement, the NCSC will advise requesters whether their responsive records have been identified and the average processing time they can expect. USCIS has also instituted on its public website a process for FOIA requesters to obtain real-time status information about their request.

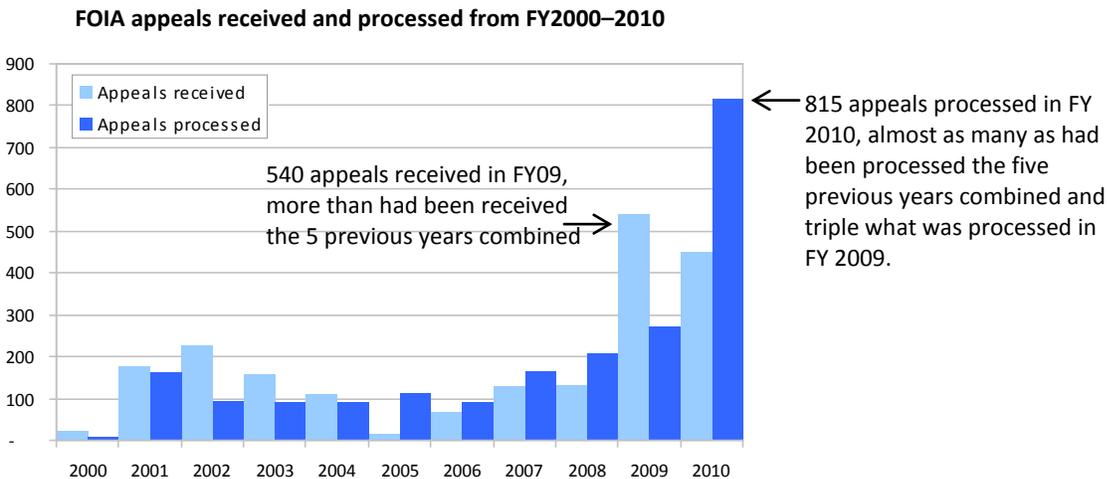
The success and future ease of the USCIS FOIA process can be accomplished by continued commitment to proactive disclosure. The component has aggressively embraced this strategy and has greatly enhanced the public face of the agency through its website, USCIS.gov. Increasing future releases and open disclosure is an integral part of the USCIS FOIA program.

Staff members of the USCIS FOIA program realize that they are not just handling requests and files, they are handling issues and information that drastically affect the lives of a myriad of people. This incredible responsibility requires that the FOIA process is handled with the highest standards. Through the USCIS FOIA program’s many accomplishments, the FOIA process continues to strengthen the integrity of the legal immigration system and increase the efficiencies in administering citizenship and immigration services.

II. CBP Elimination of Backlog of FOIA Appeals

Given President Obama’s emphasis on transparency and openness, CBP has received a huge increase of FOIA requests and appeals. In FY 2009, CBP received 540 FOIA appeals, more than had been received in the previous five years combined. In late June 2010, the Department mandated that various Components reduce their FOIA appeals backlogs by 50% by July 30, 2010, and completely eliminate their FOIA appeals backlogs by August 2010.

In response to this challenge, the FOIA Appeals, Policy & Litigation (FAPL) Branch at CBP processed 329 cases in roughly 60 days to meet the August deadline. The branch processed 815 cases in FY 2010 - almost as many as had been processed in the five previous years and triple the amount that was processed in FY 2009. The exceptional efforts of the FAPL Branch significantly improved coordination within the agency, increased the efficiency of CBP's FOIA operations, improved CBP's visibility in the community through increased transparency, and concretely advanced President Obama's commitment to openness in government.



The FAPL Branch developed a comprehensive plan and initiated a number of efforts which led to the elimination of the FOIA appeals backlog, including: intensive review of backlogged cases, reassignment of cases based on experience and ability, careful monitoring of the backlog, allowing flexible work hours, improving business processes, and using awards to motivate and recognize success.

Intensive Review and Assignment of Cases: First, the Branch Chief reviewed the list of backlogged cases to identify the oldest cases, determined the causes of delay, and decided what actions needed to be taken in order to adjudicate the cases within the deadline. In some instances, cases were reassigned to staff attorneys who could process that particular type of case quickly and accurately. In addition, some of the older cases were reassigned to attorneys with less of a backlog in order to resolve the oldest cases first. New cases were assigned based on the strengths and experiences of each attorney. Careful assignment and reallocation of cases was a key strategy that led to the success of the branch in fully eliminating the backlog.

Setting Goals and Effective Communication: Clear goals were set based on the deadlines issued. Weekly e-mails detailed the progress made toward reaching the monthly goals. The branch held bi-weekly meetings to discuss the progress made and highlight short-term goals. The Branch Chief closely monitored the list of pending cases to identify cases that needed additional attention and discussed the cases with the assigned attorneys. Weekly reports to upper management on the status of the backlog cases also instilled a sense of urgency and accountability. Toward the end of the “backlog blitz,” the list of remaining cases was posted on the Branch Chief’s door, and the cases were crossed off as they were closed as both a reminder of the progress that was being made and the number of cases that remained.

Working Hard and Teamwork: The bottom line to the success of the branch is that every member of the staff worked hard. Staff was granted compensatory time to work overtime to adjudicate as many cases as possible. Individuals with telework capabilities both declined working at home to come into the office when the work required it and worked extra hours if needed. Individuals on flexible work schedules came in on their regular days off when needed. The branch, consisting of both seasoned attorneys and new hires, worked as a team offering support and encouragement to each other. In one particularly challenging case involving voluminous records, the records were divided up among several staff members for finalization of the redactions.

Changing Business Processes: The Branch Chief changed two significant ways of doing business by remanding cases in instances in which new information was received with the appeal or the request was improperly processed at the initial request level. In the first scenario, the Branch Chief began to remand cases in which additional information was supplied at the appellate stage that had not been supplied at the initial stage (a new name, additional facts that supported the search of different databases, etc.). In the second scenario, the Branch Chief also began to remand cases that had not been properly processed at the initial stage due to inadequate searches or insufficient review (these cases had historically been “processed like an initial request” by the appeals staff). It should also be noted that after working closely with the FOIA Division (the office at CBP that handles the majority of initial requests) the number of appeals received in FY 2010 decreased from FY 2009, which also facilitated the FAPL Branch’s ability to focus on and eliminate the backlog.

APPENDIX A: Composition of the Department of Homeland Security

The Office of the Secretary oversees activities with other federal, state, local, and private entities as part of a collaborative effort to strengthen our borders, provide for intelligence analysis and infrastructure protection, improve the use of science and technology to counter weapons of mass destruction, and to create a comprehensive response and recovery system. The Office of the Secretary includes multiple offices that contribute to the overall Homeland Security mission. These are:

The Privacy Office (PRIV) works to preserve and enhance privacy protections for all individuals, to promote transparency of Department of Homeland Security (DHS) operations, and to serve as a leader in the privacy community.

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

The Office of Inspector General (OIG) is responsible for conducting and supervising audits, investigations, and inspections relating to the programs and operations of the Department, recommending ways for the Department to carry out its responsibilities in the most effective, efficient, and economical manner possible.

The Citizenship and Immigration Services Ombudsman (CISOMB) provides recommendations for resolving individual and employer problems with the United States Citizenship and Immigration Services in order to ensure national security and the integrity of the legal immigration system, increase efficiencies in administering citizenship and immigration services, and improve customer service.

The Office of Legislative Affairs (OLA) serves as primary liaison to members of Congress and their staffs.

The Office of the General Counsel (OGC) integrates approximately 1700 lawyers throughout the Department into an effective, client-oriented, full-service legal team and comprises a headquarters office with subsidiary divisions and the legal programs for eight DHS Components. The Office of the General Counsel includes the ethics division for the Department.

The Office of Public Affairs (OPA) coordinates the public affairs activities of all of DHS's Components and offices, and serves as the Federal Government's lead public information office during a national emergency or disaster. Led by the Assistant Secretary for Public Affairs, it comprises the press office, incident and strategic communications, speechwriting, Web content management, and employee communications.

The Office of Counternarcotics Enforcement (CNE) coordinates policy and operations to stop the entry of illegal drugs into the United States, and to track and sever the connections between illegal drug trafficking and terrorism.

The Office of the Executive Secretariat (ESEC) provides all manner of direct support to the Secretary and Deputy Secretary, as well as related support to leadership and management across DHS. This support takes many forms, the most well known being accurate and timely dissemination of information and written communications from throughout the Department and our homeland security partners to the Secretary and Deputy Secretary.

The Military Advisor's Office advises on facilitating, coordinating, and executing policy, procedures, preparedness activities and operations between DHS and the Department of Defense.

The Office of Intergovernmental Affairs (IGA) has the mission of promoting an integrated national approach to homeland security by ensuring, coordinating, and advancing federal interaction with state, local, tribal, and territorial governments.

Department Components and Directorates:

The National Protection and Programs Directorate (NPPD) works to advance the Department's risk-reduction mission. Reducing risk requires an integrated approach that encompasses both physical and virtual threats and their associated human elements.

The 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.

The Management Directorate (MGMT) is responsible for DHS budgets and appropriations, expenditure of funds, accounting and finance, procurement, human resources, information technology systems, facilities and equipment, and the identification and tracking of performance measurements.

The Office of Policy (PLCY) is the primary policy formulation and coordination component for the Department of Homeland Security. It provides a centralized, coordinated focus to the development of Department-wide, long-range planning to protect the United States.

The Office of Health Affairs (OHA) coordinates all medical activities of DHS to ensure appropriate preparation for and response to incidents having medical significance

The Office of Intelligence and Analysis (I&A) is responsible for using information and intelligence from multiple sources to identify and assess current and future threats to the United States.

The Office of Operations Coordination and Planning (OPS) is responsible for monitoring the security of the United States on a daily basis and coordinating activities within the Department and with governors, Homeland Security Advisors, law enforcement partners, and critical infrastructure operators in all 50 states and more than 50 major urban areas nationwide.

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

The Domestic Nuclear Detection Office (DNDO) works to enhance the nuclear detection efforts of federal, state, territorial, tribal, and local governments, and the private sector and to ensure a coordinated response to such threats.

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

U.S. Customs and Border Protection (CBP) is one of DHS's largest and most complex Components, with a priority mission of keeping terrorists and their weapons out of the United States. It also has a responsibility for securing and facilitating trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws.

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.

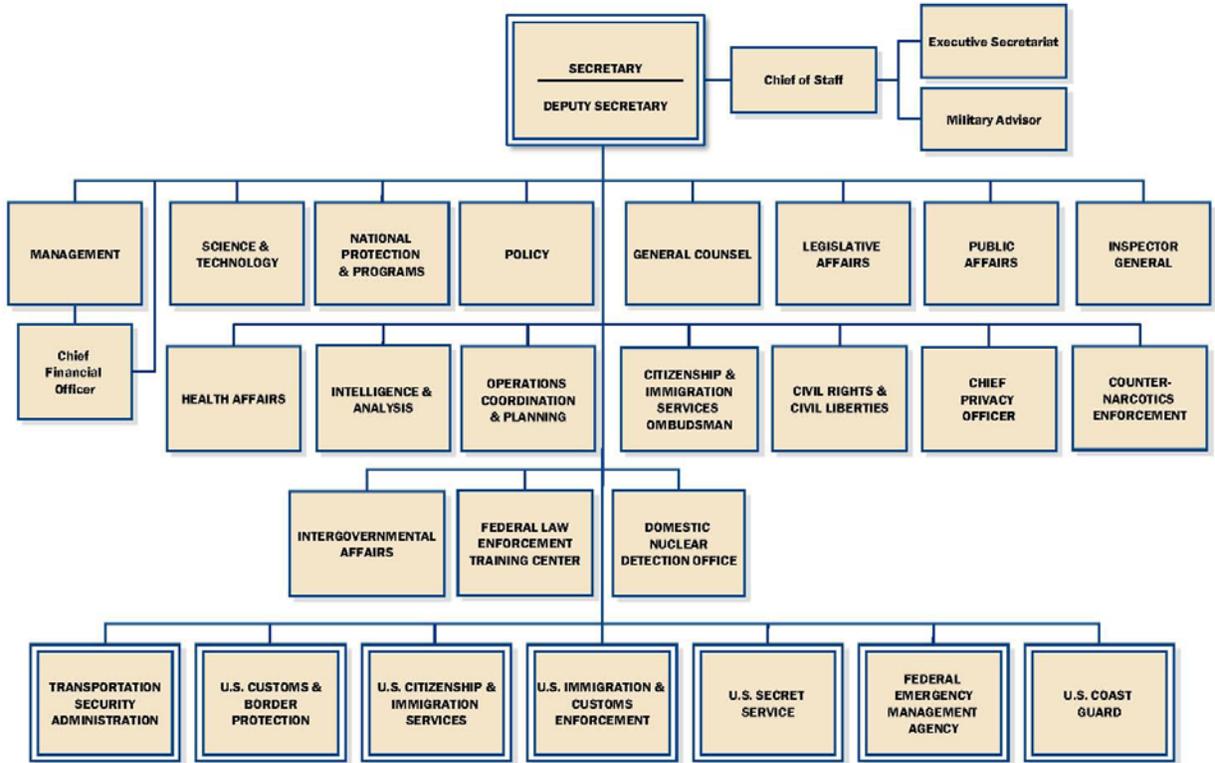
U.S. Immigration and Customs Enforcement (ICE) promotes homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration.

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

The 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.

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

APPENDIX B: DHS Component Chart



11052010

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

Department of Homeland Security Chief FOIA Officer

Mary Ellen Callahan
Chief FOIA Officer
The Privacy Office
U.S. Department of Homeland Security
245 Murray Drive SW, Building 410
STOP-0665
Washington, DC 20528-0665

Catherine M. Papoi, J.D., CIPP/G
Deputy Chief FOIA Officer
Director, Disclosure & FOIA
U.S. Department of Homeland Security
245 Murray Drive SW, Building 410
STOP-0665
Washington, DC 20528-0665

Department of Homeland Security Component FOIA Officers

Office of the Secretary and Designated HQ
Components
Vania T. Lockett
Ph: 703-235-0790; Fax: 703-235-0443
The Privacy Office
U.S. Department of Homeland Security
245 Murray Drive SW, Building 410
STOP-0665
Washington, DC 20528-0665

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

Office for Civil Rights and Civil Liberties
Fernando Pinero, Jr.
Ph: 202-357-7672; Fax: 202-357-1196
DHS-CRCL-FOIA
U.S. Department of Homeland Security
245 Murray Lane, SW, Bldg 410
Washington, DC 20528-0001

United States Coast Guard
Donald Taylor
Ph: 202-475-3522; Fax: 202-475-3927
Commandant (CG-611)
2100 2nd St., S.W.
Washington, DC 20593-7101

U.S. Customs and Border Protection
Dorothy Pullo,
Ph: 202-325-0150; Fax: 202-325-0230
FOIA Division
799 9th Street NW
Washington, DC 20229-1181

Federal Emergency Management Agency
Dr. Anthony M. Bennett
Ph: 202-646-3102; Fax: 202-646-3347
Disclosure Branch
500 C Street, SW, MD-BO-RM
Washington, DC 20472

Federal Law Enforcement Training Center
Marty Zimmerman-Pate
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Glynco, GA 31524

Office of the General Counsel
David Palmer
Ph: 202-282-9822; Fax: 202-282-9186
U.S. Department of Homeland Security
Washington, DC 20528-0001

U.S. Immigration and Customs Enforcement
Catrina Pavlik-Keenan
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Appendix D. Acronyms, Definitions, and Exemptions

1. Agency-specific acronyms or other terms.

a.	CBP	U.S. Customs and Border Protection
b.	CFO	Chief Financial Officer
c.	CISOMB	Citizenship and Immigration Services Ombudsman
d.	CNE	Office of Counternarcotics Enforcement
e.	CRCL	Office for Civil Rights and Civil Liberties
f.	DNDO	Domestic Nuclear Detection Office
g.	ESEC	Office of the Executive Secretariat
h.	FEMA	Federal Emergency Management Agency
i.	FLETC	Federal Law Enforcement Training Center
j.	I&A	Office of Intelligence and Analysis
k.	ICE	U.S. Immigration and Customs Enforcement
l.	IGA	Office of Intergovernmental Affairs
m.	MGMT	Management Directorate
n.	NPPD	National Protection and Programs Directorate
o.	OIG	Office of the Inspector General
p.	OGC	Office of the General Counsel
q.	OHA	Office of Health Affairs
r.	OLA	Office of Legislative Affairs
s.	OPA	Office of Public Affairs
t.	OPS	Office of Operations Coordination and Planning
u.	PLCY	Office of Policy
v.	PRIV	Privacy Office
w.	S&T	Science and Technology Directorate
x.	TSA	Transportation Security Administration
y.	USCG	United States Coast Guard
z.	USCIS	United States Citizenship and Immigration Services
aa.	USSS	United States Secret Service
bb.	US-VISIT	United States Visitor and Immigrant Status Indicator Technology

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. **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.
- c. **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. FOIA now requires that agencies include in the Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- d. **Consultation** – The procedure whereby the agency responding to a FOIA requests 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 responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

- e. **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), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize FOIA in responding to the requester are included in this Report.

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.

- f. **Full Grant** – An agency decision to disclose all records in full in response to a FOIA request.
- g. **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.
- h. **Partial Grant/Partial Denial** – An agency decision to disclose portions of the records and to withhold other portions that are exempt under FOIA, or to otherwise deny a portion of the request for a procedural reason.

3. Concise descriptions of FOIA exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information
- b. **Exemption 2:** internal agency rules and practices
- 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