



# Department of Homeland Security

Privacy Office

2012 Chief Freedom of Information Act Officer Report  
to the Attorney General of the United States

March 2012



Homeland  
Security

### Message from the Chief FOIA Officer

I am delighted to provide this third Chief FOIA Officer Report to demonstrate the importance of the Freedom of Information Act (FOIA) for the Department of Homeland Security (DHS) during this reporting period. First, the Department filled the position of the Deputy Chief FOIA Officer (DCFOIAO) at the Senior Executive Service Level, one of few Senior Executive Service career FOIA positions in the Federal government. Further, DHS increased proactive disclosures by 43% from the previous fiscal year as the Department fully embraced the concept of transparency.



This reporting period has also had challenges for DHS. For FY 2011, DHS received more FOIA requests than any other federal agency, with a total of 175,656 FOIA requests, up 45,558 or 35% from Fiscal Year 2010's total of 130,098. Even though we processed 145,631 requests—an increase from 138,651 in the previous year—our backlog of FOIA requests increased. Here at DHS we have experienced a 64% increase in the number of FOIA requests received since President Obama took Office and called for greater transparency and openness.

The increased volume of incoming requests did not preclude a timely response. Almost across the Department, DHS Components shortened the interval between the receipt of a simple perfected request and its final disposition. The Office for Civil Rights and Civil Liberties (CRCL) decreased its median turnaround from 22 days to 7 or 68%, while the Office of Inspector General's (OIG) average response time dropped from 11.05 days to 8.57, or 22%. In some cases, the response time for complex requests also fell significantly. The Federal Emergency Management Agency's (FEMA) response time dropped from 390 days in Fiscal Year 2010 to 102 in Fiscal Year 2011 or 74%. The United States Coast Guard (USCG) cut its response time from 56 days to 45 (20%), and the Office of General Counsel (OGC) reduced its average response time of 474.57 days in FY 2010 to 296.69 in FY 2011— 37%.

In order to address the increased demand for DHS information through FOIA responses and through proactive disclosure, the new DCFOIAO undertook a comprehensive review of Departmental FOIA operations. She met with each Component-level FOIA Officer to discuss the challenges they faced, including a two-day onsite in Lee's Summit, Missouri, with USCIS FOIA operations staff.

The DCFOIAO made two key findings. First, the FOIA program is sound overall, because senior Department leadership's efforts to align with the Administration's goals of openness and transparency are working well. Second, there are opportunities to improve the delivery of FOIA services, particularly in the areas of technology, training, and backlogged FOIA requests. The DHS FOIA Office used these findings to establish several intra-departmental action teams to identify how best to streamline and standardize processing and achieve a higher level of customer service.

The DHS FOIA Office also surveyed Component-level FOIA officers to seek input and priorities on major administrative issues including organization, administration, and FOIA request coordination. The DHS FOIA Office then followed up with several meetings with FOIA Officials from peer agencies, including the Department of Defense, the Department of Health and Human Services, the Department of State, and the Department of Veterans Affairs to identify best practices to meet the needs and concerns of the DHS FOIA Officers.

This multi-pronged approach to identify best practices helped set short- and long-term priorities. At the end of this reporting period, the DHS FOIA Office began piloting an electronic FOIA solution for possible implementation across the Department, implementing a training schedule for the calendar year, including a daylong conference open to the Federal FOIA community, and completing a study and associated recommendations to reduce and eventually eliminate the DHS backlog.

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

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## Part 1. Overview of the DHS FOIA Program

### I. Operational Overview of the DHS FOIA Program

The Department of Homeland Security's Freedom of Information Act (FOIA) Program began with the establishment of the Department in 2003. Many of the agencies that were merged into DHS had pre-existing, well-established FOIA operations. Elements of those decentralized operations continue today. Subject to Department-wide FOIA regulations and the policy leadership of the DHS 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. A list of DHS Component acronyms is provided in Appendix D.

### II. About the FOIA Operations of the DHS Privacy Office

In accordance with Executive Order 13392, *Improving Agency Disclosure of Information*,<sup>1</sup> the Secretary of Homeland Security (Secretary) designated the DHS Chief Privacy Officer to serve concurrently as the Chief FOIA Officer to promote efficiency, effectiveness, and statutory compliance throughout the Department. The Chief Privacy Officer, who leads the DHS Privacy Office (Privacy Office), reports directly to the Secretary for both FOIA and privacy-related purposes. On August 29, 2011, the Secretary of Homeland Security delegated to the Chief Privacy Officer the authority to develop and oversee the implementation of policies within the Department and except as otherwise provided by law, carry out the functions of the agency regarding compliance with 5 U.S.C. § 552, "The Freedom of Information Act," as amended; 5 U.S.C. § 552a, "The Privacy Act of 1974," as amended; and Public Law 107-347, § 208, "E-Government Act of 2002."

The Privacy Office coordinates Department-level compliance with FOIA by developing Departmental policy needed to implement 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.<sup>2</sup> Additionally, the Privacy Office performs coordination and oversight of

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<sup>1</sup> 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)). The Chief Privacy Officer position was established by Section 222 of the Homeland Security Act of 2002 (Homeland Security Act), 6 U.S.C. § 142 (2002). Section 222 assigns the Chief Privacy Officer responsibilities to ensure that privacy and transparency in government are implemented throughout the Department. 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), Pub. L. 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](http://www.dhs.gov/xabout/structure/editorial_0510.shtm).

<sup>2</sup> The President's FOIA Memorandum of January 21, 2009 is available at: [http://www.justice.gov/oip/foia\\_guide09/presidential-foia.pdf](http://www.justice.gov/oip/foia_guide09/presidential-foia.pdf). The Attorney General's Memorandum of March 19, 2009 is available at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>.

Component FOIA operations, provides FOIA training, and prepares required annual reports of the Department's FOIA performance. The Privacy Office, through its FOIA unit (hereinafter referred to 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 (DHS FOIA Office Components).<sup>3</sup>

This year the Department filled the position of Deputy Chief FOIA Officer at the Senior Executive Service level. The Deputy Chief FOIA Officer (DCFOIAO) supervises the operations of the DHS FOIA Office. She advises the Chief FOIA Officer and other executive-level leaders throughout DHS on compliance with FOIA, the Privacy Act,<sup>4</sup> the OPEN Government Act,<sup>5</sup> the requirements of Section 222 of the Homeland Security Act as amended,<sup>6</sup> and DHS policies, programs, and agreements that promote adherence to information disclosure principles. The DCFOIAO oversees the development and implementation of Department-wide FOIA/Privacy Act policies and procedures such as internal headquarters procedures and guidelines based upon new or revised legislation or recommendations. She is also responsible for the development and delivery of effective training in these areas.

Two directors assist the DCFOIAO. The Director for Disclosure and FOIA Operations, provides leadership and oversight of the DHS FOIA Office's activities, including managing the processing of FOIA and Privacy Act requests for records maintained by DHS FOIA Office Components, coordinating the processing of FOIA requests to ensure that requests are handled consistently throughout the Department, and managing the HQ FOIA web presence. The Director for Policy and Program Development is responsible for Department-wide disclosure training, identifying and remedying policy and program deficiencies, and serving as the DHS HQ FOIA Public Liaison<sup>7</sup> to address customer service issues. Together, they are subject matter experts for DHS senior leadership regarding information disclosure policy, advisors to employees on their FOIA and the Privacy Act responsibilities, and guarantors that the disclosure staff is well versed in the Department's mission and key programs and thus can readily disseminate relevant information to the public.

DHS FOIA Office staff is comprised of ten FOIA specialists who process initial requests to DHS FOIA Office Components and prepare the Department's required FOIA reports. The Department's programs are wide-ranging, and the processing of requests requires close coordination with many internal and external customers, including other Federal agencies, state and local governments, foreign entities, and private companies. DHS FOIA Office specialists also provide expert FOIA guidance to DHS FOIA Office Components and communicate regularly with DHS's other stakeholders.

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<sup>3</sup> In this report, a reference to the "Department" or "DHS" means the entire Department of Homeland Security, including its components, directorates, and the Office of the Secretary. The DHS FOIA Office processes the Privacy Office's initial requests and those for the following components: Office of the Secretary, CISOMB, CNE, DNDO, ESEC, IGA, OHA, OLA, and OPA. Appendix A lists the DHS Components and their customary abbreviations.

<sup>4</sup> Privacy Act of 1974, 5 U.S.C. § 552a(8).

<sup>5</sup> OPEN Government Act of 2007, Pub. L. 110-175, 121 Stat. 2524 (Dec. 31, 2007).

<sup>6</sup> Homeland Security Act of 2002, 6 U.S.C. § 142.

<sup>7</sup> This position was established in law by 5 U.S.C. § 552(l).

## 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

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

1. *Did your agency hold a FOIA conference or otherwise conduct training during this reporting period?*

This year, the DHS FOIA Office broadened training opportunities throughout the Department by bringing specialized topical training to the DHS campus. For example, in April 2011 DOJ OIP held a workshop for departmental FOIA staff to discuss the implications of the Supreme Court's ruling on FOIA Exemption (b)(2) in *Milner v. Department of the Navy*, (131 S. Ct. 1259 (2011)) by discussing how the new ruling would directly affect DHS. Another training tailored to DHS needs, which addressed FOIA Exemptions (b)(5), (b)(6), and (b)(7) took place in November 2011, while a session on DOJ's newly-issued guidance on consultations, referrals, and coordination held in February 2012 kicked off the new training year. The Office of Government Information Services (OGIS) will bring a specially tailored version of its popular mediation workshop to DHS in April; furthermore, plans for a FOIA conference open to the Federal FOIA community are in development.

2. *Did your FOIA professionals attend any FOIA training such as that provided by the Department of Justice?*

Openness and transparency are central to the President's and the Attorney General's vision of the Freedom of Information Act.<sup>8</sup> These principles guide the Department of Homeland Security's FOIA Program. One way these principles are instilled across the Department is through DHS FOIA professionals. The Department places a high priority on training and education. All DHS personnel receive FOIA training as part of new-employee orientation. The initial FOIA training is reinforced through mandatory annual instruction in records management that also addresses staff FOIA responsibilities. Components provide full-time and collateral FOIA staff training specific to each Component, and many FOIA professionals throughout the Department also attend classes offered by the Department of Justice, Office of Information Policy, the American Society of Access Professionals, and/or the USDA Graduate School.

**In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information, even when the information might be technically exempt from disclosure under the FOIA.<sup>9</sup> OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.**

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<sup>8</sup> See Footnote 2.

<sup>9</sup> *Ibid.*

3. *Did your agency make any discretionary releases or otherwise exempt information?*

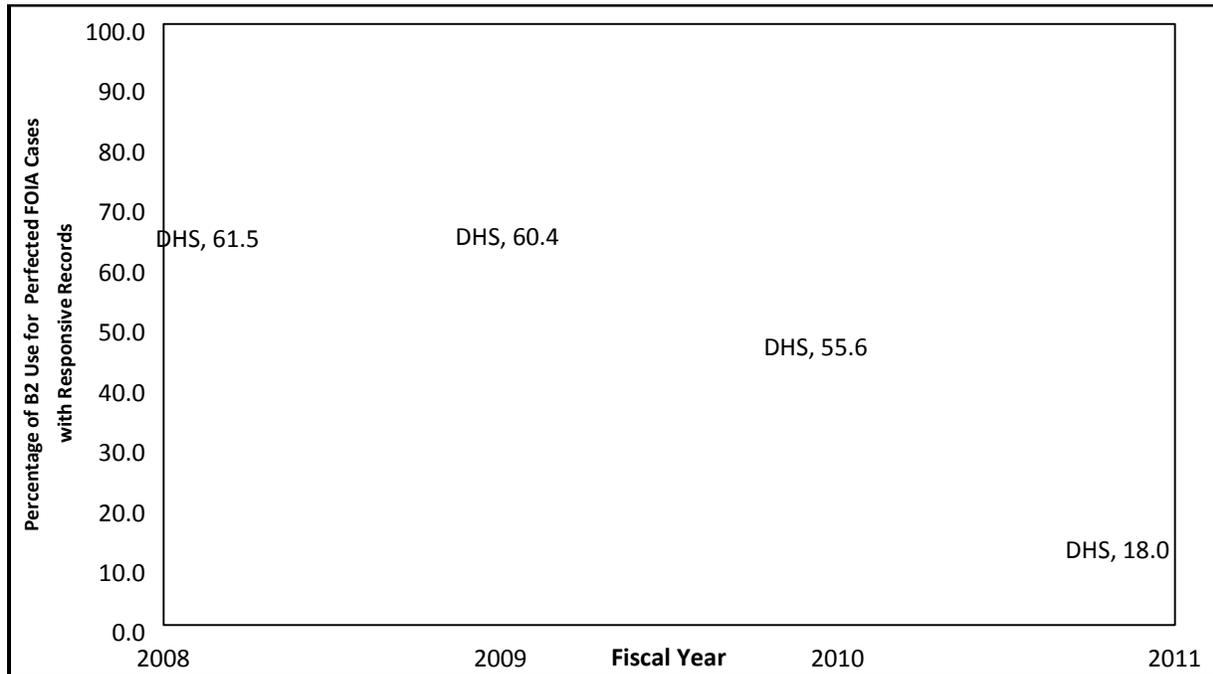
Yes. DHS Components made discretionary releases during the reporting period.

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

Well-trained professionals are critical to the Department’s ability to advance openness through discretionary releases, particularly when identifying suitable records and applying the standard of foreseeable harm. With the narrowing of Exemption (b)(2), which protects internal personnel rules and practices, DHS as a whole has begun to discretionarily release information that (b)(2) previously could have denied. U.S. Customs and Border Protection (CBP) and the United States Secret Service (USSS) released material that could have been withheld pursuant to Exemption (b)(7)(E), and the Federal Law Enforcement Training Center (FLETC), U.S. Immigration and Customs Enforcement (ICE), and the Directorate for Management (MGMT), among others, released records eligible for exemption under (b)(5).

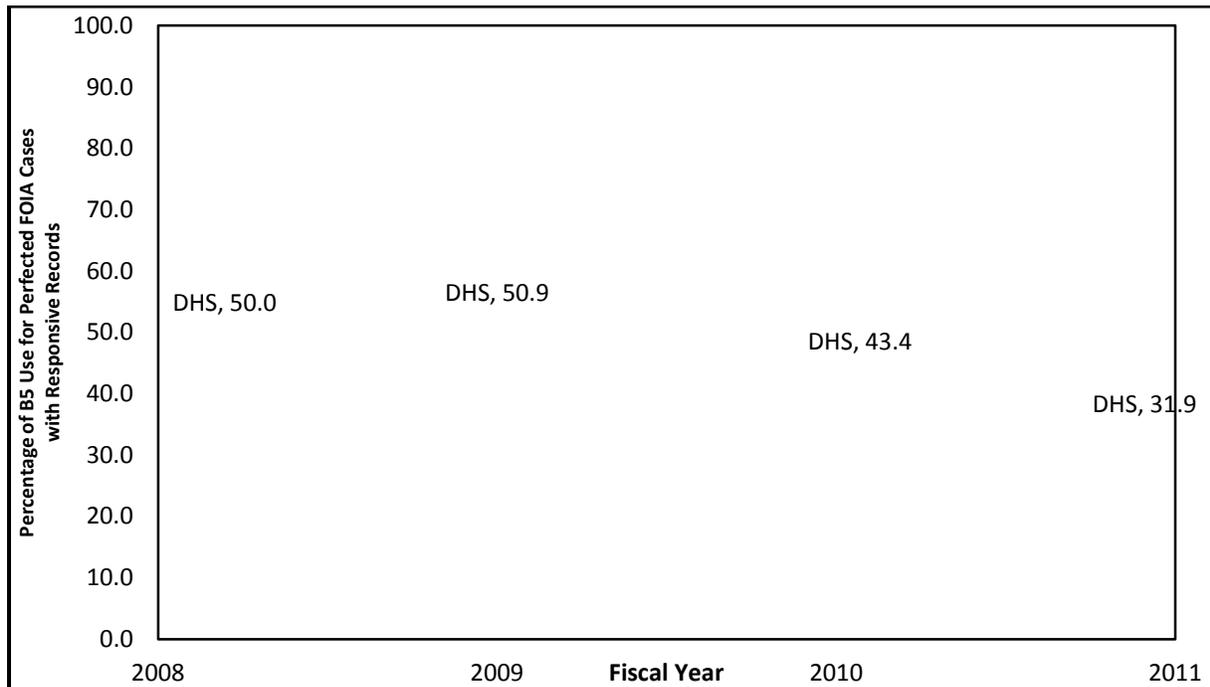
The overall DHS Exemption 5 usage (by percentage) went down in 2011 to 32 percent of all cases where records were reviewed.

**Figure 1. Exemption 2 Use by Component FY 2008 - 2011**<sup>10</sup>



<sup>10</sup> DHS numbers include those reported from CBP, CRCL, FEMA, FLETC, I&A, ICE, MGMT, NPPD, OGC, OIG, OPS, PLCY, PRIV, S&T, TSA, USCG, USCIS, USSS and US-VISIT.

**Figure 2. Exemption 5 Use by Component FY 2008 - 2011<sup>11</sup>**



*5. Describe your agency’s review process to review records to determine whether discretionary releases are possible.*

DHS has several examples of how DHS Components review records to ensure discretionary releases are made. When a case reaches the level of supervisory review at ICE, the supervisor examines the information to determine if any exempted information can be released. To make the decision, the supervisor may consult with the FOIA Officer, employees within the originating program office, and/or other Federal agencies. If the supervisor determines that the exempt information qualifies for a discretionary waiver, the supervisor releases the information. In addition, CBP relies on an ongoing dialogue between its FOIA professionals and subject matter experts to determine on a case-by-case basis what information can be released without compromising its mission or harming CBP personnel.

Not all Components have records suitable for discretionary release. At USCIS, the vast majority of FOIA requests are for Alien files (A-files). A-files contain information that normally is not permissible for discretionary release because of privacy concerns, law enforcement sensitivity, or attorney work product information in the files. A-files are still vetted, however, for information that might be subject to discretionary release during the initial processing and case review of the responsive records. For requests that are not associated with A-file materials, USCIS staff has been trained to closely review all documents for potential discretionary release.

<sup>11</sup> DHS numbers include those reported from CBP, CRCL, FEMA, FLETC, I&A, ICE, MGMT, NPPD, OGC, OIG, OPS, PLCY, PRIV, S&T, TSA, USCG, USCIS, USSS and US-VISIT. See Appendix D.

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

Immediately upon her arrival, the new DCFOIAO undertook a comprehensive review of DHS FOIA operations, meeting onsite with each and every Component-level FOIA Officer. This initiative was followed up by a seven-page multi-part questionnaire distributed to all Departmental FOIA offices, designed to elicit additional information, including Component-specific review processes, the availability of dedicated FOIA resources, and existing intra-inter-agency coordination with regard to FOIA. Information collected via this questionnaire is included in the reporting for this report.

**In Section V.B.(1) of your agency’s Annual FOIA Report, entitled “Disposition of FOIA Requests—All Processed Requests,” the first two columns list the “Number of Full Grants” and the Number of Partial Grants/Partial Denials.” Compare your agency’s 2011 Annual FOIA Report with last year’s Annual FOIA Report, and answer the following questions:**

7. Did your agency have an increase in the number of responses where records were released in full?

As reflected in Table 1 below, DHS as a whole did not have an increase in the number of responses where records were released in full; however, CBP, Civil Rights and Civil Liberties (CRCL), Federal Emergency Management Agency (FEMA), ICE, the Office of General Counsel (OGC), the Office of Inspector General (OIG), the United States Coast Guard (USCG), and the United States Secret Service (USSS) increased the number of responses where records were released in full.

**Table 1. Number of Full Grants as Reported in the FY 2011 FOIA Annual Report<sup>12</sup>**

Component	No. of Full Grants FY 2010	No. of Full Grants FY 2011
CBP	1,997	2,158
CRCL	3	18
FEMA	146	276
FLETC	29	28
I&A	7	6
ICE	431	556
MGMT	42	21
NPPD	16	13
OGC	2	9
OIG	11	14
OPS	10	9
PLCY	36	4
PRIV	26	22
S&T	4	4
TSA	78	62

<sup>12</sup> DHS 2011 FOIA Annual Report at <http://www.dhs.gov/xfoia/foia-library-frequently-requested-records.shtm#3>.

Component	No. of Full Grants FY 2010	No. of Full Grants FY 2011
USCG	1,909	2,238
USCIS	11,943	9,783
USSS	25	36
US-VISIT	6	6
<b>AGENCY OVERALL</b>	<b>16,721</b>	<b>15,203</b>

8. Did your agency have an increase in the number of responses where records were released in part?

As reflected in Table 2 below, DHS as a whole increased the number of responses where records were released in part.

**Table 2. Number of Partial Grants/Partial Denials as Reported in the FY 2011 FOIA Annual Report<sup>13</sup>**

Component	No. of Partial Grants/ Partial Denials FY 2010	No. of Partial Grants/ Partial Denials FY 2011
CBP	8,824	18,955
CRCL	5	21
FEMA	225	327
FLETC	45	37
I&A	11	3
ICE	5,288	11,576
MGMT	81	56
NPPD	58	165
OGC	2	8
OIG	98	67
OPS	17	10
PLCY	5	4
PRIV	107	96
S&T	9	12
TSA	161	160
USCG	704	558
USCIS	61,119	48,285
USSS	235	190
US-VISIT	1,623	2,668
<b>AGENCY OVERALL</b>	<b>78,626</b>	<b>83,198</b>

<sup>13</sup> See DHS 2011 Annual FOIA Report at <http://www.dhs.gov/xfoia/foia-library-frequently-requested-records.shtm#3>.

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

**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.**

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

Components are generally satisfied with their day-to-day IT support; nevertheless, those responding to the DHS FOIA survey indicated that better technology to track and report FOIA requests would be helpful.

*2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?*

FOIA Officers meet as a group bi-weekly with the CFOIAO to share information and discuss items of interest to all; meetings to address Component-specific concerns are scheduled as needed. Components also interact with the CFOIAO through a variety of internal reports.

*3. Do your FOIA professionals interact with your agency's Open Government Team?*

The CFOIAO and DHS FOIA meet regularly with the DHS Open Government Team.<sup>14</sup>

*4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.*

In the Deputy Chief FOIA Officer's interviews with DHS Components and the follow-up survey on the state of FOIA operations, DHS Components indicated while additional staff would be welcome, prospects to augment their FOIA teams were not promising given the current economic climate. ICE was able to add staff this year; in contrast, USCG lost five staff, including its FOIA Officer. USCIS senior leadership focused on staffing levels during this reporting period and authorized a staff increase. This decision was based on the average production totals of processed requests and the average processing times per FOIA professional, combined with projections for the ever-increasing number of incoming requests being received. The CPB FOIA Division is also assessing its staffing levels, using measurements in place for the productivity of each processor to determine their need.

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<sup>14</sup> 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/m-10-06.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m-10-06.pdf). See also DHS Open Government Plan June 10, 2010 – Version 1.1 at [http://www.dhs.gov/library/assets/dhs\\_open\\_government\\_plan.pdf](http://www.dhs.gov/library/assets/dhs_open_government_plan.pdf).

### III. Steps Taken To Increase Proactive Disclosures

**Describe here the steps your agency has taken to increase the amount of material that is available on your agency website and the usability of such information, including providing examples of proactive disclosures that have been made during the past reporting period (March 2011 through March 2012). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make proactive disclosures of information.**

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

The DHS FOIA Office and DHS Components enhanced transparency by proactively posting documents released in response to FOIA requests and other documents of public interest. In total in FY 2011, DHS proactively released 8,903 pages of material, a 43% increase from FY 2010. In FY 2012, the Department anticipates additional growth in proactive disclosure, likely implementing new recommendations of the above-referenced working group.

*2. Provide examples of the records, data sets, videos, etc., that have been posted this year.*

Much information resides on DHS websites, including material previously only available through a formal FOIA request (e.g., historical documents, daily schedules of senior leaders, management directives, contracts, memoranda related to FOIA operations, and procurement records that include awards, orders, solicitations, and purchase cardholder lists). All Components post their FOIA logs. This year, ICE added detention facility inspections and statistics related to immigration to the list; USCG posted safety investigations and mishap reports; TSA disseminated videos of incidents having high public interest. The list of CBP information below illustrates the depth and breadth information currently available online:

- Office of Air and Marine in the News ([http://www.cbp.gov/xp/cgov/border\\_security/air\\_marine/oam\\_news.ll.xml](http://www.cbp.gov/xp/cgov/border_security/air_marine/oam_news.ll.xml));
- U.S. Border Patrol in the News ([http://www.cbp.gov/xp/cgov/border\\_security/border\\_patrol/press\\_announce\\_lp.xml](http://www.cbp.gov/xp/cgov/border_security/border_patrol/press_announce_lp.xml));
- U.S. Border Patrol Statistics ([http://www.cbp.gov/xp/cgov/cgov/border\\_security/border\\_patrol/usbp\\_statistics](http://www.cbp.gov/xp/cgov/cgov/border_security/border_patrol/usbp_statistics)); and
- Essential forms ([http://www.cbp.gov/xp/cgov/travel/id\\_visa/indamiss\\_can\\_info.xml](http://www.cbp.gov/xp/cgov/travel/id_visa/indamiss_can_info.xml)).

*3. Describe the system your agency uses to routinely identify records that are appropriate for posting?*

Components identify documents suitable for proactive posting in various ways. ICE, for example, identifies and tags information suitable for posting in its FOIA Library as part of processing and supervisor review. Program offices facilitate the population of the ICE FOIA Library, routinely contacting the FOIA Office when they locate documents that are of potential interest to the public. CBP uses an office-wide effort to find appropriate records, while TSA relies on a regular search of its FOIA database to identify material.

4. *Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc.?*

DHS demonstrates its conviction to openness and transparency by making a massive amount of information available to the public through numerous social media sites across its Components. CBP provides the most robust example for this reporting period, using YouTube videos, Twitter, and Flickr to connect with the public. CBP also provides an opportunity for individuals to subscribe to "CBP Updates" via e-mail or SMS/Text Message to receive notices, updates, and subscriptions to CBP content. A collaborative initiative called "Our Border" is underway to establish a social networking partnership to enable Federal, State, local, and tribal agencies to engage and educate southwestern border community stakeholders. Moreover, CBP employs traditional media outlets to disseminate information, cooperating with *The National Geographic Channel* in the production of "Border Wars" and working with *Investigation Discovery* in their production of "Cops & Coyotes."

To a certain degree, posting this information display eliminates the need for potential FOIA requesters to submit requests. On the other hand, requesters can use that same information to make additional and more complex requests. Proactive posting facilitates the exploration of a given topic in depth, as requesters use FOIA as the means to seek more detailed information about DHS activities.

5. *Describe and other steps taken to increase proactive disclosures at your agency.*

In January 2012, the Chief FOIA Officer issued a memorandum directing the Department to continue to actively implement the Administration's sweeping policy changes.<sup>15</sup> The memorandum reiterated the importance of the presumption of disclosure, proactive disclosure requirements, and also noted specific progress in Components' proactive disclosure activity. To help further this goal, the Deputy Chief FOIA Officer established an intra-Departmental action team to investigate possibilities for adding additional content to the FOIA Library and improving customer access to DHS documents in the Library.

#### **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. For 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.**

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<sup>15</sup> Chief FOIA Officer Memorandum, "Government Openness: The Department of Homeland Security (DHS) applies both the letter and spirit of the Freedom of Information Act," January 31, 2012, at <http://www.dhs.gov/xlibrary/assets/foia/foia-government-openness-memo-january-2012.pdf>.

1. *Can FOIA requests be made electronically to your agency?*

Yes. FOIA requests can be made electronically to DHS.

2. *If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?*

All DHS headquarters offices and Components can receive FOIA requests electronically. The majority of headquarters offices and Components also have the capacity for electronic redaction, although a limited number of regional or field offices with collateral FOIA duties redact materials manually. The limited scope of the field offices' responsibilities makes an investment in electronic redaction software unfeasible. Offices and Components use a variety of redaction software.

3. *Can a FOIA requester track the status of his/her request electronically?*

A requester's ability to track his/her requests online varies from Component to Component.

4. *If not, is your agency taking steps to establish this capability?*

Yes. See #6 below.

5. *Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving records search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?*

Respondents to the DHS FOIA Office questionnaire reported limited use of electronic tools to track and process FOIA requests and even more limited use of electronic records management or e-discovery systems to manage the actual records. USCIS relies on FIPS, an imaging workflow, and case-tracking system developed for USCIS in 1997. FIPS will soon interact with the program USCIS now uses to digitize A-files, which will increase efficiency in processing.

Records management software, especially when integrated with software used to process FOIA requests, could help streamline the review process. Only two headquarters offices and one field office, however, have access to an electronic records management system; eight headquarters offices and five field offices have none at all. Theoretically, software not specifically developed for FOIA could be used to streamline FOIA processing through cataloging and archiving records in a searchable platform, de-duplicating and sorting email strings, and facilitating more efficient searches for records, among others. OGC and Office of the Chief Information Officer (CIO) are currently exploring long-term solutions for enterprise management of electronic records and e-discovery.

6. *If so, describe the technological improvements being made.*

A successful FOIA program hinges in part on its supporting technology, particularly when most agency records are now electronic. This is particularly true at DHS, where reports from 19 discrete FOIA programs produced by different commercial off-the-shelf (COTS) or purpose-built software must be consolidated into a single DHS Annual FOIA report. As it currently stands, tracking and reporting data resides throughout the Department in several distinct databases with limited interoperability. Entering data into multiple systems is laborious and time-consuming. It can also compromise data integrity through inaccuracies and omissions.

To address these issues and in anticipation of a steady flow or potential increase in FOIA requests, the DCFOIAO appointed a technology action team to investigate options for an electronic FOIA solution for Department-wide deployment. The team reviewed several programs before selecting a comprehensive application that enables requests and appeals to be entered into the system from written or electronic requests. Options for printing and/or emailing acknowledgements and standard responses, along with other authorized correspondence are included and any fee can be calculated structures based on agency policy. The software program also includes a complete advanced electronic redaction toolset for search, retrieval, and redaction.

The first phase of this project involves installing the software in pilot production in the DHS FOIA Office for 15 users, then promulgating existing licenses already purchased to other Headquarters Components, before making it available to other Components within the DHS FOIA enterprise.

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

**Section VII.A of your Annual FOIA Report entitled “FOIA Requests—Response Time for All Processed Requests” includes figures that show your agency’s average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for “simple” requests, which are those requests that are placed in the agency’s fastest (non-expedited) track based on the low volume and/or simplicity of the records requested. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.**

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

In FY 2011, the Department received an unprecedented number of FOIA requests, 175,656 in total, up 45,558 or 35 percent from FY 2010’s total of 130,098. DHS processed 145,631 requests, an increase from 138,651 in 2010. These requests were almost equally divided between simple requests (requests anticipated to involve a small volume of material or which will be able to be processed relatively quickly) and complex requests (requests that are anticipated to involve a voluminous amount of material to review or will be time-consuming to process). The Department received 64,895 simple requests and 64,792 complex requests, respectively. For 98,401 of these cases (57%), DHS released responsive information. The

percentage of FOIA requests with information released is even higher — 81% — when the 17,731 requests that are duplicative or withdrawn altogether and/or seek records that do not exist or fall under the purview of another agency are eliminated.

- 2. If so, for your agency overall for Fiscal Year 2011, was the average number of days to process simple requests 20 working days or fewer?*

The increased volume of incoming requests did not preclude a timely response. Most DHS Components shortened the interval between the receipt of a simple perfected request and its final disposition. CBP, for example, reduced its median response time for simple perfected requests from 24 days in FY 2010 to four in FY 2011, an 83% reduction. CRCL decreased its median turnaround from 22 days to 7 (68%), while OIG's average response time dropped from 11.05 days to 8.57 (22%). In some cases, the response time for complex requests also fell significantly. The Federal Emergency Management Agency's (FEMA) response time dropped from 390 days in Fiscal Year 2010 to 102 in Fiscal Year 2011 (74%). The United States Coast Guard (USCG) cut its response time from 56 days to 45 (20%), and the Office of General Counsel reduced its average response time of 474.57 days in FY 2010 to 296.69 in FY 2011 (37%).

**Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report—Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2011 as compared to Fiscal Year 2010. Refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E., entitled "Pending Requests—Ten Oldest Pending Requests," and Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2010 and Fiscal Year 2011 should be used for this section.**

- 1. If your agency had a backlog of requests at the close of Fiscal year 2011, did that backlog decrease as compared with Fiscal year 2010?*

As indicated in Table 3, in spite of its best efforts, DHS was unable to continue the downward momentum with regard to its backlog. While the overall backlog decreased 40 percent over the course of FY 2010 to 11,383 in FY 2011, the number of backlogged FOIA requests increased to 42,417. FEMA, FLETC, ICE, OGC, OIG, the DHS FOIA Office, the Science and Technology Directorate (S&T) the U.S. Visitor and Immigrant Status Indicator Technology Program (US-VISIT), and USSS decreased their backlogs.

**Table 3. Number of Backlogged Requests as Reported in the FY 2011 FOIA Annual Report<sup>16</sup>**

<b>Component</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report FY 2011</b>	<b>Number of Backlogged Requests Decreased</b>	<b>Number of Backlogged Requests Increased</b>
CBP	601	4,356	N/A	3,755
CRCL	6	6	N/A	N/A
FEMA	810	485	325	N/A
FLETC	12	5	7	N/A
I&A	5 <sup>17</sup>	21	N/A	16
ICE	27	18	9	N/A
MGMT	1	3	N/A	2
NPPD	33	63	N/A	30
OGC	25 <sup>18</sup>	5	20	N/A
OIG	1	0	1	N/A
OPS	0	0	N/A	N/A
PLCY	0	0	N/A	N/A
PRIV	15	4	11	N/A
S&T	1	0	1	N/A
TSA	378	580	N/A	202
USCG	407	527	N/A	120
USCIS	8,209	35,780	N/A	27,571
USSS	573	562	11	N/A
US-VISIT	278 <sup>19</sup>	2	276	N/A
<b>AGENCY OVERALL</b>	<b>11,217<sup>20</sup></b>	<b>42,417</b>	<b>N/A</b>	<b>31,200</b>

2. *If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?*

As indicated in Table 4, the number of backlogged appeals increased during this reporting period.

<sup>16</sup> See DHS 2011 Annual FOIA Report at <http://www.dhs.gov/xfoia/foia-library-frequently-requested-records.shtm#3>.

<sup>17</sup> Corrected Number due to reporting error in the DHS FOIA FY 2010 Annual Report.

<sup>18</sup> Corrected Number due to reporting error in the DHS FOIA FY 2010 Annual Report.

<sup>19</sup> Corrected Number due to reporting error in the DHS FOIA FY 2010 Annual Report.

<sup>20</sup> Corrected Number due to reporting error in the DHS FOIA FY 2010 Annual Report.

**Table 4. Number of Backlogged Appeals as Reported in the FY 2011 FOIA Annual Report<sup>21</sup>**

Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report FY 2011	Number of Backlogged Appeals Decreased	Number of Appeals Increased
CBP	0	0	N/A	N/A
FLETC	0	0	N/A	N/A
ICE	19	18	1	N/A
OGC	176 <sup>22</sup>	141	35	N/A
OIG <sup>23</sup>	N/A	12	N/A	12
TSA	7	2	5	N/A
USCG	48	49	N/A	1
USCIS	3	105	N/A	102
USSS	2	0	2	N/A
<b>AGENCY OVERALL</b>	<b>255<sup>24</sup></b>	<b>327</b>	<b>N/A</b>	<b>72</b>

3. *In Fiscal Year 2011, did your agency close the ten oldest requests that were pending at the end of Fiscal Year 2010?*

See Table 5. For DHS as a whole, three of the ten oldest pending cases at the end of FY 2011 remained open.<sup>25</sup>

**Table 5. Ten Oldest Pending Requests as Reported in the FY 2011 FOIA Annual Report<sup>26</sup>**

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	2011-01-13	2011-01-13	2011-01-08	2011-01-07	2011-01-07	2011-01-07	2011-01-07	2011-01-07	2011-01-07	2010-11-26
	Number of Days Pending	CLOSED <sup>27</sup>	CLOSED								
CRCL	Date of Receipt	Not Applicable				2011-09-28	2011-09-02	2011-08-08	2011-08-08	2011-08-02	2011-08-01
	Number of Days Pending	Not Applicable				CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
FEMA	Date of Receipt	2008-12-18	2008-12-03	2008-12-01	2008-10-28	2008-10-03	2008-09-10	2008-08-08	2008-07-16	2008-06-11	2007-09-07

<sup>21</sup> See DHS 2011 Annual FOIA Report at <http://www.dhs.gov/xfoia/foia-library-frequently-requested-records.shtm#3>.

<sup>22</sup> Corrected Number due to reporting error in the DHS FOIA FY 2010 Annual Report.

<sup>23</sup> OIG started processing its own appeals starting in FY 2011.

<sup>24</sup> Corrected Number due to reporting error in the DHS FOIA FY 2010 Annual Report.

<sup>25</sup> Data current as of December 31, 2011.

<sup>26</sup> See DHS 2011 Annual FOIA Report at <http://www.dhs.gov/xfoia/foia-library-frequently-requested-records.shtm#3>.

<sup>27</sup> The requests and appeals Reported in the FY 2011 FOIA Annual Report that were still pending as are highlighted in red in both the Ten Oldest Pending Requests and the Ten Oldest Pending Appeals tables. The FY 2011 FOIA Annual Report is available at <http://www.dhs.gov/xfoia/foia-library-frequently-requested-records.shtm#3>.

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Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	1,484
FLETC	Date of Receipt	Not Applicable					2011-08-04	2011-07-07	2011-05-10	2011-03-31	2011-03-31
	Number of Days Pending	Not Applicable					CLOSED	CLOSED	103	CLOSED	CLOSED
I&A	Date of Receipt	2011-05-10	2011-05-02	2011-04-18	2011-03-29	2011-03-02	2011-01-26	2011-01-26	2010-12-13	2010-12-07	2010-10-01
	Number of Days Pending	103	CLOSED								
ICE	Date of Receipt	2011-05-11	2011-04-27	2011-04-26	2011-04-26	2011-04-07	2011-02-24	2011-01-31	2011-01-28	2010-11-22	2010-05-17
	Number of Days Pending	CLOSED	110	111	CLOSED	CLOSED	CLOSED	CLOSED	172	217	CLOSED
MGMT	Date of Receipt	2011-09-23	2011-09-23	2011-09-23	2011-09-19	2011-09-17	2011-09-12	2011-09-12	2011-08-31	2011-08-30	2011-04-15
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	15	CLOSED	CLOSED	CLOSED	CLOSED
NPPD	Date of Receipt	2011-02-23	2011-01-25	2011-01-19	2011-01-19	2010-11-18	2010-11-17	2010-11-15	2010-11-01	2010-10-04	2010-06-21
	Number of Days Pending	157	CLOSED	181	CLOSED	221	222	CLOSED	233	CLOSED	CLOSED
OGC	Date of Receipt	Not Applicable					2011-09-16	2010-12-18	2010-08-12	2010-08-06	2010-05-05
	Number of Days Pending	Not Applicable					CLOSED	CLOSED	CLOSED	CLOSED	CLOSED

OIG	Date of Receipt	N/A	2011-09-29	2011-09-29	2011-09-22	2011-09-22	2011-09-19	2011-09-19	2011-09-13	2011-09-12	2011-09-07
	Number of Days Pending	0	CLOSED								
OPS	Date of Receipt	Not Applicable									
	Number of Days Pending	Not Applicable									
PLCY	Date of Receipt	Not Applicable								2011-09-21	2011-09-20
	Number of Days Pending	Not Applicable								CLOSED	CLOSED
PRIV	Date of Receipt	2011-09-14	2011-09-14	2011-09-14	2011-09-14	2011-09-13	2011-09-02	2011-08-11	2011-05-16	2011-04-19	2010-05-07
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
S&T	Date of Receipt	Not Applicable									2011-08-25
	Number of Days Pending	Not Applicable									27
TSA	Date of Receipt	2008-10-02	2008-08-20	2008-08-13	2008-06-23	2008-06-19	2008-06-19	2008-06-17	2006-08-02	2004-11-01	2004-10-27
	Number of Days Pending	749	CLOSED	CLOSED	820	CLOSED	822	CLOSED	CLOSED	1,735	1,738
USCG <sup>28</sup>	Date of Receipt	2009-07-08	2009-06-29	2009-06-19	2009-06-10	2009-06-03	2009-06-02	2009-05-27	2009-05-26	2009-05-26	2009-01-12
	Number of Days Pending	568	575	581	588	593	594	598	599	599	695
USCIS	Date of Receipt	2010-06-24	2010-06-23	2010-06-11	2010-06-03	2010-05-20	2010-05-18	2010-04-30	2010-04-09	2010-04-02	2010-03-30
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED
USSS	Date of Receipt	2006-02-02	2006-02-02	2006-01-19	2006-01-19	2006-01-19	2006-01-19	2006-01-19	2005-12-02	2005-12-02	2005-11-30
	Number of Days Pending	1,420	1,420	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	1,461	CLOSED	CLOSED
US-VISIT	Date of Receipt	Not Applicable			2011-09-21	2011-09-20	2011-09-14	2011-09-12	2011-09-07	2011-06-15	2011-03-09
	Number of Days Pending	Not Applicable			CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	77	CLOSED
AGENCY OVERALL	Date of Receipt	2006-01-19	2006-01-19	2006-01-19	2006-01-19	2006-01-19	2005-12-02	2005-12-02	2005-11-30	2004-11-01	2004-10-27
	Number of Days Pending	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	1,461	CLOSED	CLOSED	1,735	1,738





















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

### Department of Homeland Security Chief FOIA Officer

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Gaston Brewer, Acting  
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## **DHS 2012 Chief FOIA Officer Report**

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## APPENDIX D. Acronyms, Definitions, and Exemptions

### 1. Agency-specific acronyms or other terms

a.	CBP	United States Customs and Border Protection
b.	CFO	Chief Financial Officer
c.	CISOMB	Citizenship and Immigration Services Ombudsman
d.	CRCL	Office for Civil Rights & Civil Liberties
e.	DNDO	Domestic Nuclear Detection Office
f.	ESEC	Office of the Executive Secretary
g.	FEMA	Federal Emergency Management Agency
h.	FLETC	Federal Law Enforcement Training Center
i.	I&A	Office of Intelligence and Analysis
j.	IGA	Office of Intergovernmental Affairs
k.	ICE	United States Immigration and Customs Enforcement
l.	MGMT	Management Directorate
m.	NCSC	National Cyber Security Center
n.	NPPD	National Protection and Programs Directorate
o.	OGC	Office of the General Counsel
p.	OHA	Office of Health Affairs
q.	OIG	Office of the Inspector General
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. **Average Number** – The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8, determined by dividing 24 by 3.
- c. **Backlog** – The number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

- d. **Component** – For agencies that process requests on a decentralized basis, a “Component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in the Annual FOIA Report data for both the agency overall and for each principal Component of the agency.
- e. **Consultation** – The procedure whereby the agency responding to a FOIA 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 provided its views on the record to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – A federal statute other than FOIA that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – A FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), an organization, or a particular topic of interest. Moreover, because requesters covered by the Privacy Act who seek records concerning themselves (i.e., “first-party” requesters) are afforded the benefit of the access provisions of both FOIA and the Privacy Act, the term “FOIA request” also includes any such “first-party” requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where the agency applies a Privacy Act exemption and therefore looks to FOIA to afford the greatest possible access. DHS applies this same interpretation of the term “FOIA request” even to “first-party” requests from persons not covered by the Privacy Act, e.g., non-U.S. citizens, because DHS by policy provides such persons the ability to access their own records in DHS’s Privacy Act “mixed systems of records” as if they are subject to the Privacy Act’s access provisions, and DHS processes the requests under FOIA as well. Thus, all requests that require DHS 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. (Consultations are reported separately in Section XII of this Report.

- h. **Full Grant** – An agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – An agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more

of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

- j. **Median Number** – The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
  - k. **Multi-Track Processing** – A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
    - i. **Expedited Processing** – An agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
    - ii. **Simple Request** – A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
    - iii. **Complex Request** – A FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
  - l. **Partial Grant/Partial Denial** – An agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
  - m. **Pending Request or Pending Administrative Appeal** – A request or administrative appeal for which an agency has not taken final action in all respects.
  - n. **Perfect Request** – A request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
  - o. **Processed Request or Processed Administrative Appeal** – A request or administrative appeal for which an agency has taken final action in all respects.
  - p. **Range in Number of Days** – The lowest and highest number of days to process requests or administrative appeals
  - q. **Time limits** – The time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a perfected FOIA request).
3. Concise descriptions of FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information

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