2016 Chief FOIA Officer Report

National Archives and Records Administration

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Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's 2009 FOIA Guidelines is the presumption of openness.

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

FOIA Training:

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

- Training can include holding an agency-wide FOIA conference, holding a seminar on a particular FOIA topic, or providing training to FOIA or agency staff during a staff meeting, among other types of training.
- The training provided here should be substantive and should cover the application of the law and policy. Conversely, your agency's efforts to provide training on the use of technology or IT tools (such as case management systems) that assist in the processing of requests should be addressed below in response to Question 4 of Section IV of your Chief FOIA Officer Report.

Answer: Yes.

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

Answer: The Office of General Counsel and the Office of Research Services conducted four presentations for the public, volunteers and NARA staff regarding an overview of the FOIA and the many ways the FOIA intersects with the mission of the agency. The Presidential Materials Division conducted training for new archival staff of the various Presidential Libraries. The training focused on the proper application of FOIA exemptions, as well as Presidential Records Act (PRA) restrictions, and on FOIA administration and best practices.

The Office of Research Services have initiated an annual training program for all of their FOIA professionals, including the use of webinars from a professional organization and in-house presentations by the Office of General Counsel.

3. If no, please explain why your agency did not hold training during the reporting period, such as if training offered by other agencies was sufficient for your agency's training needs.

Answer: N/A

4. Did your FOIA professionals attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

- Such training or events can include offerings from OIP, your own agency or another agency or organization.

Answer: Yes. NARA FOIA professionals attended the Department of Justice's *The Freedom of Information Act for Attorneys and Access Professionals*, various training programs sponsored by the American Society of Access Professionals (ASAP), and FOIA/Privacy Training program organized by the International Association of Privacy Professionals (IAPP).

5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Answer: 80%

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

Answer: N/A

Outreach:

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

- This question addresses outreach that is conducted outside of the individual request or appeal process. Outreach activities can include engaging with frequent requesters by holding meetings or events which include them, conducting surveys or otherwise soliciting requester feedback, or participating in any other requester initiative coordinated by your agency or by others, such as OIP.
- Example: An agency receives numerous requests from one organization seeking similar types of records. The organization does not know how the agency organizes its records or how its FOIA professionals must conduct searches. When submitting FOIA requests, the organization often submits broad requests that take a long time to process and that result in the review of a lot of records that are ultimately of no interest to the requester. The agency holds a meeting with the organization to discuss its record keeping system, search capabilities, and overall FOIA process to assist the organization in the formulation of future FOIA requests. Because of the meeting, the organization now submits more targeted requests that result in the agency being able to provide the requester the records it is interested in more quickly.

Answer: NARA's National Declassification Center (NDC) conducted a Public Forum, "NDC Prioritization: What Secrets Do People Want to See?" The NDC selected the subject of "prioritization" as it could relate to declassification, because the sheer number of records requiring declassification processing suggests to us that new approaches must be considered if we are to provide the history of the U.S. government in a timely manner.

The Archivist of the United States ("Archivist") established the Freedom of Information Act ("FOIA") Advisory Committee ("Committee") in 2014 to advise on improvements to the FOIA and study the current FOIA landscape across the Executive Branch, which met four times in 2015. The Committee is subject to the Federal Advisory Committee Act, and allows the public an opportunity to ask questions. (See https://ogis.archives.gov/foia-advisory-committee.htm)

The Archivist and the General Counsel/Chief FOIA Officer have regular meetings with representatives of the requester community to discuss issues related to access to records at the National Archives, including access through the FOIA.

8. If you did not conduct any outreach during the reporting period, please explain why.

N/A

Discretionary Releases:

9. Does your agency have a distinct process or system in place to review records for discretionary release?

- If so, please briefly describe this process.
- If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?

Answer: Yes. NARA routinely makes discretionary releases in the processing of our archival holdings regardless of the type of access request. In addition, the NARA FOIA Office makes discretionary releases of NARA's operational files after conducting a review of frequently requested records, both under the FOIA and general inquiries.

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

Answer: Yes.

11. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance on implementing the President's and Attorney General's 2009 FOIA Memoranda.

Answer: (b)(5)

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

Answer: OGIS has provided online access to final response letters to FOIA requesters and/or Federal agencies who/which contacted OGIS for assistance with resolving FOIA disputes. The letters in this collection shed light on the mediation services OGIS provides in the context of the Federal FOIA

landscape (*See* https://ogis.archives.gov/about-ogis/about-ogis-final-response-letters-to-customers.htm). Furthermore, in an effort to support Open Government, OGIS proactively posts the Director's calendar periodically. (*See* https://ogis.archives.gov/about-ogis/Directors-Calendar.htm).

Examples of operational files that have been released as a matter of discretion are the records that document the interaction between NARA and the Department of State regarding email practices of former Secretaries of State, in accordance with NARA's regulations, 36 C.F.R. Part 1230, on Unlawful or Accidental Removal, Defacing, Alteration, or Destruction of Records. (*See* http://www.archives.gov/press/press-releases/2015/nr15-65.html, http://www.archives.gov/press/press-releases/2015/nr15-86.html, and http://www.archives.gov/press/press-releases/2016/nr16-29.html).

13. If your agency was not able to make any discretionary releases of information, please explain why. For example, you should note here if your agency did not have an opportunity to make discretionary disclosures because you provided full releases in response to all requests or the only exemptions that were applied were those that do not lend themselves to discretionary release (i.e. Exemptions 1, 3, 4, 6, 7A, 7B, 7C, 7F).

Answer: N/A

Other Initiatives:

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

- Efforts can include training for non-FOIA professionals, distributing memoranda on the FOIA, announcements on FOIA matters, making available OIP's FOIA for Senior Executive's briefing video, distributing the FOIA infographic developed by OIP, having your agency staff take OIP's FOIA for all Federal Employees eLearning module, etc.

Answer: The Office of General Counsel and the Office of Records Services conducted multiple webinars for those NARA employees who are not in the Washington Capital region with a focus on the application of FOIA exemptions in historical collections. This training is available to all NARA staff through an internal agency webpage. The two offices also gave four presentations for the public, volunteers and NARA staff regarding an overview of the FOIA and the many ways the FOIA intersects with the mission of the agency. These presentations are available online through the "Know Your Records" program (*see* http://www.archives.gov/calendar/know-your-records/).

The Office of General Counsel is expanding an internal knowledge repository for FOIA related information, e.g., court opinions, white papers, etc.

15. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

- If any of these initiatives are online, please provide links in your description.

Answer: Through its core statutory mission, NARA makes the vast majority of its archival records available to the public without having to make FOIA requests. Furthermore, due to the age of most of the records in the National Archives, NARA routinely makes discretionary releases in the processing of

any access requests to our archival holdings. NARA's holdings are described in the National Archives Catalog (*see* http://www.archives.gov/research/catalog/).

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

The Attorney General's 2009 FOIA Guidelines emphasized that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

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

Processing Procedures:

1. For Fiscal Year 2015, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2015 Annual FOIA Report.

- Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2015.

Answer: 10.34 days

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

Answer: The majority of expedited requests are sent to the Office of General Counsel, which was understaffed during a quarter of the reporting year. With the addition of the new Deputy FOIA Officer, our adjudication time has improved.

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

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

Answer: Yes. NARA has an internal communications network that has enhanced communication between and among the various offices. Requesters who do not know which archival facility holds the appropriate records to which they seek access may submit their request to FOIA@nara.gov. The Office of General Counsel monitors this email account and forwards the request to the appropriate office.

4. On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

Answer: NARA has followed the guidelines of OIP, but has also extended the response time to sixty calendar days.

Requester Services:

5. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

- If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here.

Answer: The National Archives has always implemented a FOIA Requester Service Center model, based on the research facility where the records are maintained –*i.e.*, Main Archives, Field Archives, and Presidential Libraries. The role and function of the FOIA Public Liaison has always been played by the Supervisory Archivist at each location.

Other Initiatives:

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

Answer: The Chief FOIA Officer instituted Quarterly NARA FOIA Council meetings to share Best Practices among NARA offices in FY 2014. During FY 2015 the Chief FOIA Officer increased the frequency of these meetings to every month; this has greatly increased communication across NARA. Improved communication has led to NARA's improvement in the processing and resolution of the ten oldest FOIAs.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President's and Attorney General's FOIA memoranda focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

Answer: The Office of General Counsel FOIA team monitors its FOIA log for requests for operational records on a regular basis to determine if there are additional sets of records that should be posted on

our reading room (see http://www.archives.gov/foia/electronic-reading-room.html). NARA's archival holdings continue to be processed according to our Strategic Goal (see http://www.archives.gov/digitization/strategy.html) to digitize our holdings for greater access to the public.

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

- Please note that this question is directed towards proactive disclosure of records that go beyond frequently requested records required to be posted under Subsection (a)(2) of the FOIA.

Answer: No. Because the mission of the National Archives has always been to release records to the public, even predating the FOIA, there is not a distinct process in place to identify additional records for disclosure.

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.

- Please note that this question is directed at the efforts of actually posting the records online once all disclosure determinations have been made. For example, efforts to load the records in your web content platform or making the releasable documents accessible in compliance with Section 508 of the Rehabilitation Act.

Answer: NARA's FOIA professionals are generally not involved in preparing archival records for posting online. Rather, NARA has a separate web staff that performs this function, including the coding of records for Section 508 compliance.

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

Answer: Yes. Due to the massive volume of our archival records, we are only able to digitize a limited amount.

5. If so, please briefly explain those challenges.

Answer: Volume of records is a challenge that NARA is addressing through a five prong strategy: Partnerships, Crowd Sourced Digitization, Agency Transfers, Culture of Digitization, and NARA Digitization Projects. (See http://www.archives.gov/digitization/pdf/digitization-strategy-2015-2024.pdf)

6. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

Answer: Richard M. Nixon Presidential Library releases 193 Haldeman Audio Diary Entries (http://www.nixonlibrary.gov/virtuallibrary/documents/haldeman-diaries/haldeman-diaries.php)

State Department Emails and Records Management (http://www.archives.gov/foia/state-department-emails/)

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

- For example, this can be done through social media or with the offering of e-mail subscription services.

Answer: Yes. NARA engages the public on 15 social media platforms, including Flickr, Foursquare, Facebook, Twitter, Youtube, Blogs, Tumblr, iTunes U, Google+, Wikispaces, Dipity, GitHub, Instagram, Storify, and Pinterest. For additional information regarding our social media content, statistics, and strategy, please see http://www.archives.gov/social-media.

Other Initiatives:

8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

Answer: N/A

Section 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.

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

Making Material Posted Online More Usable:

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

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

Answer: Yes.

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

- If your agency is already posting material in its most useful format, please describe these efforts.

Answer: The public's access to our holdings and the information about these holdings is accomplished through the NARA Online Catalog system. In FY 2014, significant development milestones were reached in preparation for the FY 2015 launch of the next generation of NARA's Catalog system. The new system includes enhanced scalability and improved searchability to handle the influx of millions of digital images

contributed by our partners in the coming year. With the launch of the new Catalog, our investment in describing and processing NARA's records will provide researchers and the public with continued access to a growing volume of information.

The Catalog will also allow the public to participate directly in contributing information about the holdings as a way to improve accessibility of our records. Crowd sourcing of digitization and metadata creation is critical to our success in making access happen. In FY 2015, we developed a communication plan to build awareness and engagement for public tagging and crowd sourcing.

3. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

Answer: Yes. NARA's Web Program and Social Media presence is operated, monitored and regulated by the Office of Innovation. All content that will be posted to NARA's Catalog or Social Media outlets must meet the requirements produced by this office, so therefore all FOIA professionals work closely with that office.

Use of Technology to Facilitate Processing of Requests:

4. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools.

- Please note that this question is focused on training provided to your FOIA professionals for the use of technology and IT tools that assist them in their day-to-day work of processing requests. Your agency's efforts to provide substantive training on the FOIA itself and the requirements of the law should be addressed in response to Question 1 of Section I of your Chief FOIA Officer Report.

Answer: No.

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

Answer: No.

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

Answer: N/A

Other Initiatives:

7. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

- Please see OIP's guidance for posting of quarterly reports to ensure that your agency is following all required steps (including using the correct file type and URL structure) so that your quarterly reports are properly appearing on FOIA.gov. (If your reports are posted to your website, but not appearing of FOIA.gov, please contact OIP in order to resolve the issue.)

Answer: Yes. (*See* http://www.archives.gov/foia/reports/quarterly.html)

8. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2016.

Answer: N/A

9. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? See OIP Guidance, "The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications." (Nov. 22, 2013) If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

- If decentralized, please indicate whether all components use email or other electronic means to communicate with requesters.
- Please note that this includes all types of communications throughout the FOIA process.

Answer: Yes. Email is one means of electronic communication that we use with requesters. The Office of General Counsel also uses the communication capabilities of *FOIAonline*.

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

- If decentralized, please indicate whether any of your agency's components have specific limitations or restrictions for the use of such means and if those components have informed requesters of such limitations.

Answer: N/A

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

The President's FOIA Memorandum and the Attorney General's 2009 FOIA Guidelines have emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2015 Annual FOIA Report and, when applicable, your agency's 2014 Annual FOIA Report.

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

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

Answer: Yes.

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

Answer: No.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

Answer: 94.9%

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

Answer: N/A

Backlogs: Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

Answer: Yes. NARA's backlog decreased in FY 2015 as compared with FY 2014.

6. If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

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

Answer: NARA's backlog decreased due to a number of steps across all of NARA. First, the Chief FOIA Officer's monthly FOIA council meeting allowed greater communication regarding the closing of the agency's ten oldest FOIAs, as well as the significant reduction of open FOIAs from the 1990s. Second, the Special Access and FOIA Division has increased its staff, allowing it to reduce the backlog for archival records. And finally, the total volume of NARA's Complex FOIA requests has decreased by 17%.

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2015.

- To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of requests received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

Answer: 36.9%

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

Answer: No. NARA's backlog of appeals increased in FY 2015 as compared with FY 2014.

9. If not, explain why and describe the causes that contributed to your agency not being able reduce backlog. When doing so, please also indicate if any of the following were contributing factors:

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

Answer: NARA saw an increase in of appeals of approximately 23%. The Office of General Counsel, which supports NARA's appellate authority, was understaffed for several months during the past fiscal year. Furthermore, the appeal backlog increased because NARA has now become the appeal authority for FOIA requests of archival records that contain classified national security information. NARA does not have authority to declassify the information contained in our classified holdings. All FOIA requests that involve classified material require consultation with the creating/originating agency, and often with multiple other agencies/components. This process inevitably adds to the number of days needed for the review and processing of appeals for the withholding of classified information.

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with "N/A."

- To calculate your agency's percentage, you must divide the number of backlogged appeals reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of appeals received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

Answer: 100.9%

Backlog Reduction Plans:

11. In the 2015 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2014 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2015.

Answer: The Chief FOIA Officer continues to analyze the state of FOIA across all affected NARA components in order to identify agency barriers to meeting the 20-day deadline for FOIA requests

agency-wide, but recognizes that additional resources will likely be necessary to keep up with the volume of requests and reduce the backlog.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2015, what is your agency's plan to reduce this backlog during Fiscal Year 2016?

Answer: NARA's backlog reduction plan will likely require additional staff to work FOIAs. In the past year, NARA has hired approximately ten new employees to work on those requests. NARA has also set a goal to reduce the FOIA backlog by a minimum of 10% per year.

Status of Ten Oldest Requests, Appeals, and Consultations: Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

13. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Answer: No.

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed six of them, you should note that you closed six out of seven "oldest" requests.

Answer: NARA was able to close seven of the ten oldest FOIAs in FY 2015.

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

Answer: One was closed by the requester. All ten oldest requests have had multiple interim responses, in which the vast majority of the requested information has been processed for release. Virtually all of NARA's oldest FOIA requests involve requests for access to classified information that has been referred to another agency for declassification review, because, as stated earlier, NARA does not the authority to declassify classified information originated by other departments and agencies. Accordingly, NARA is subject to, and dependent on, other federal agencies' workloads, which prevents us from completing these requests.

TEN OLDEST APPEALS

16. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Answer: No.

17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

- For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C.(5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.

Answer: NARA closed one out of the ten oldest appeals.

TEN OLDEST CONSULTATIONS

18. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Answer: N/A

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

- For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.

Answer: N/A

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.

Answer: The greatest obstacle is that NARA must coordinate all FOIAs and appeals that involve classified national security information with the originating agency, as noted above.

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

Answer: NARA was able to close all but two of its ten oldest from the FY 2014 Annual FOIA Report.

* 1993-08-31(received), 2012-08-17(re-consulted), 2013-06-13(last correspondence), 2015-12 (Phone Call)

* 1995-10-01(received), 2011-07-29(last consultation), 2012-02-22(receipt of consultation), 2015-12 (Phone Call)

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2016.

Answer: NARA will continue its efforts to contact those originating agencies that possess the classification equities and press them to complete the declassification review of the remaining records responsive to each request, including by contacting the Chief FOIA Officer of each agency.

Interim Responses:

23. Does your agency have a system in place to provide interim responses to requesters when appropriate? See OIP Guidance, "The Importance of Good Communication with FOIA Requesters." (Mar. 1, 2010)

Answer: Yes.

24. If your agency had a backlog in Fiscal Year 2015, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Answer: 68.4%

Use of the FOIA's Law Enforcement Exclusions

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?

No.

2. If so, please provide the total number of times exclusions were invoked.

N/A

Success Story

Out of all the activities undertaken by your agency since March 2015 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Answer:

The Special Access and FOIA Division received nine requests for the FBI Headquarters file on Pete Seeger (100-HQ-200845) as well as a non-FOIA inquiry.   Due to the unique nature of this file, the Director of the Special Access and FOIA Division placed all nine requests in the expedited queue. The file consists of nine sections, a Sub A section, and three enclosures behind the file. The sub A section is 65 pages and was available initially to requesters but was never digitized for online use due to copyright restrictions. The remaining portions of the file total 1,761 pages; 28 documents totaling 159 pages have been withdrawn for consultation. Once consultation with other agencies has been completed, a copy of the entire file will be posted online. Until then, a reference copy is available upon request.

During the past year, the Presidential Materials Division digitized as many of their FOIA releases as possible. Of particular note was the work done with NARA's social media team to provide online access to approximately 3,500 photos from the records of Vice President Cheney. In order to upload these photos to NARA's Flickr account, LM archivists created item level description for all of these photos. These Cheney photos, including photos taken in the President's Emergency Operations Center on September 11th, 2001, are now the most viewed photos on NARA's Flickr account and received a tremendous amount of press attention.

Furthermore, the Clinton Library released 151 completed FOIA cases and 50 segments related to 5 large FOIA cases. In addition, this year the library scanned 686,956 pages of records processed in response to pending FOIA requests. These scanned images are in the process of being uploaded into the National Archives Catalog.

During Fiscal Year 2015, the Office of Innovation accomplished a variety of initiatives to help further NARA's Strategic Goal "Make Access Happen." As a result of the office's work, NARA:

- Published a new Digitization Strategy for archival records to outline the five approaches the agency will take to expand digitization,
- Negotiated the update of digitization partnerships with FamilySearch and Ancestry,
- Expanded public participation in the National Archives Catalog with transcription features, tagging, user account stats, and launched an API for the catalog,
- Achieved more than 300 million digital views across web and social media platforms, illustrating the increasing relevance of online access to the records of the government in a digital society,
- Expanded the agency's Enterprise Data Inventory to include additional datasets and metadata, and
- Provided improved access to the Nixon Tapes through a high value dataset of metadata for all 22,723 conversations on the White House Tapes.

In response to a FOIA request, the Office of Innovation and the Presidential Materials Division worked to upload nearly 3,500 photos of Vice President Dick Cheney surrounding the events of September 11, 2001. After the release, the photos on Flickr were picked up on national news sources, resulting in this collection having the most all-time views of all National Archives collections on Flickr. This photo of Vice President Cheney with Senior Staff in the President's Emergency Operations Center received more than half a million views.

The National Declassification Center's Indexing on Demand ("IOD") program began in March 2015 as a way to allow researchers to play a larger role in the processing aspect of the overall NDC workflow.   The IOD procedures created a researcher-driven disclosure queue that helps both NDC and the public avoid large FOIA requests. Instead of waiting for years for a large series to work its way through the FOIA process, a researcher may now request a series and gain access in a matter of weeks. In the first year of

the IOD program, the NDC received 159 requests. As of December 31, 2015, 131 of those requests were complete for a total of 4.7 million pages.