



NATIONAL ARCHIVES

FISCAL YEAR 2026

Chief FOIA Officer Report

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Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Department of Justice's (DOJ) 2022 [FOIA Guidelines](#) is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level?

A. Yes

2. Please provide the name and title of your agency's Chief FOIA Officer.

A. **Matt Dummermuth, NARA's General Counsel. Mr. Dummermuth is also NARA's Chief FOIA Officer, Senior Agency Official for Privacy, and Senior Agency Official for Controlled Unclassified Information.**

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

A. **The National Archives and Records Administration's (NARA) Strategic Plan 2022-2026 states in Section 1.4: "By FY 2026, 95 percent of customer requests will be ready within the promised time. NARA strives to promote public access by providing consistent, reliable, and reputable service in response to customer requests. NARA provides service to a variety of public and federal agency customers. This objective is a weighted average of NARA's average response**

time when: furnishing items in public research rooms, responding to reference requests by email and mail, providing veterans and their families with copies of military separation documents (DD-214), and responding to Freedom of Information Act (FOIA) requests from the public.”

B. Presumption of Openness

4. DOJ's 2022 FOIA Guidelines provides that “agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.” Does your agency provide such confirmation in its response letters?

A. Yes, although not in all of NARA’s FOIA program offices. However, NARA has always applied a “foreseeable harm” standard to public releases, even before it was officially codified with the FOIA Improvement Act of 2016.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a Glomar response. If your agency tracks Glomar responses, please provide:

the number of times your agency issued a full or partial Glomar response during Fiscal Year (FY) 2025 (please separate full and partial Glomar responses if possible);

the number of times a Glomar response was issued by exemption during FY 2025 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

A. NARA applied Glomar once in citing Exemption (b)(1).

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

- A. Through its core statutory mission, NARA proactively makes the vast majority of its archival records available to the public without the need to file a FOIA request. Furthermore, due to the age of most of the records in the National Archives, NARA routinely makes discretionary releases in the processing of access requests to our archival holdings. NARA's holdings are described, and digitized content is accessed, in the National Archives Catalog (see <http://www.archives.gov/research/catalog/>).

Section II: Ensuring Fair and Effective FOIA Administration

DOJ's 2022 [FOIA Guidelines](#) provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” DOJ also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

- A. **Annual training is provided as part of the mandatory training for all NARA staff. Furthermore, FOIA personnel are strongly encouraged to attend OIP and other free training; for example, those offered by the American Society of Access Professionals.**

2. Did your FOIA professionals, or other personnel at your agency with FOIA responsibilities, attend substantive FOIA training during the reporting period, such as training provided by the Department of Justice?

A. Yes.

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

A. Office of Information Policy - Introduction to the Freedom of Information Act

Office of Information Policy - FOIA Litigation Seminar

Office of Information Policy: Exemption 1 and Exemption 7 Training

Office of Information Policy: Exemption 4 and Exemption 5 Training

NARA, National Declassification Center - NSI Equity recognition and FOIA/MDR Application

NARA, Presidential Libraries - PRA/FOIA Training

NARA, Presidential Libraries - FOIA Community Practice

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

A. 90%.

5. 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.

A. N/A, NARA exceeded the 80% threshold.

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff, and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process.

- A. **As noted above, NARA requires an annual mandatory training for all employees, including senior leadership, that contains a FOIA/Privacy Act component. The component focuses on the requirements of NARA employees to search for responsive records across the various records media that are used (ex. paper, email, voicemail, spreadsheets, etc.).**

B. Outreach

7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue and, if applicable, any specific examples.

- A. **Yes. NARA proactively reaches out to requesters to seek clarification of complex or voluminous requests, pursuant to our regulations at 36 CFR 1250.26. NARA provides finding aids to narrow requests and encourages researchers to look at partially open series and file requests based on withdrawn items.**

Some examples of such communications are

- **A letter seeking clarification of a request for all records "that mention or pertain to" the FOIA requester;**
- **The estimated total page count for your request is [NUMBER] pages. Requests that exceed 3,000 pages are assigned to our third-tier processing queue. You will receive a response in partial fulfillment of**

your request after we have completed the first increment. We will provide you with an update on the status of your request and an estimated completion date at that time. To give you an indication of our existing third-tier backlog, we are currently processing requests received in [DATE]. Once we notify you that processing is complete, you may either visit our College Park, MD facility to view the file at no cost, or order a digital or paper reproduction. Our current fee for reproductions is 80 cents per page, so we estimate the total cost will be [ESTIMATED COST]. If you are willing to narrow your request for a potentially faster processing time, please contact us to discuss narrowing options.

- **In accordance with § 1250.26, please let our office know if you would be willing to narrow the scope of your request. Specifically, would you be willing to narrow the timeframe of “any correspondence or memos related to ...,” to the year 2002 to present? I would also like to inform you at this time that there are likely accessioned records related to this request, meaning they are no longer operational, and handled by this office. To request access to any accessioned records related to this request, please reach out to inquire@nara.gov.**
- **After an initial review of your request, our office would appreciate more clarification on the scope. Our agency is decentralized, therefore we have multiple FOIA offices, and multiple FOIA logs. Our office at the NGC handles the operational records, while various other departments handle those of an archival nature. Knowing which records you are seeking would be very helpful in speeding up the process of gathering responsive documents.**

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent

requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? Please describe any such outreach or dialogue and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

A. N/A. Due to the unique environment of the Deferred Retirement Program, various Reduction In Force requirements, the retirement of NARA's General Counsel, and retirement of the Acting Archivist of the United States, the past programs of engaging with open government groups was temporarily halted. NARA is looking forward to 2026 as a time to reengage with those groups.

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2025 (please provide a total number or an estimate of the number for the agency overall).

A. NARA estimates 398 requests for the FOIA Public Liaison.

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

A. Yes. NARA's Management Team has considered proposals for increased resources for FOIA technology and staff. Discussions are ongoing regarding how to reallocate available resources to acquire new technology.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

- A. Each FOIA program office has its own queue structure and tracks its requests within each queue, and uses that information to make appropriate adjustments. Some offices that deal with routine and semi-standardized requests are able to implement page or case quotas to allow for completion estimates and workload balancing amongst staff.

12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

Section III: Proactive Disclosures

DOJ's 2022 [FOIA Guidelines](#) emphasize that “proactive disclosure of information is . . . fundamental to the faithful application of the FOIA.” The Guidelines direct agencies to post “records online quickly and systematically in advance of any public request” and reiterate that agencies should post records “in the most useful, searchable, and open formats possible.”

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures

- A. Releasing records to the public is a mainstay of NARA’s core mission, and the Chief FOIA Officer has been reviewing the Archivist’s Freedom of Information Act (FOIA) Advisory Committee’s “Lessons Learned” Report (see [The National Archives and Records Administration’s Fifth National Action Plan for Open Government 2022-2024 Lessons Learned from the FOIA Advisory Committee](#)), the Office of Government Information Services (OGIS) report on posting to agency webpages to improve NARA’s FOIA programs, and “Improving Access to Government data, Research, and Information” with the White House Office of Science and Technology Policy, the White House Council on Environmental Quality, and the General Services Administration (see [August 16, 2023 Public](#)

[Engagement Session - Increasing Civic Space to Engage the Public | open.USA.gov](#)).

2. Does your agency post logs of its FOIA requests?

A. Yes.

If so, what information is contained in the logs?

A. Case number, Requester (unless first person), Subject, Date Received, Date Completed, Determination, and Denial Reason(s).

Are they posted in CSV format? If not, what format are they posted in?

A. They are not posted in CSV format. NARA currently posts in a PDF formatting in order to safely protect first party user's information.

Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links.

A. <https://www.archives.gov/foia/logs.html>.

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

A. Records related to the return of Biden Vice-Presidential Records, <https://www.archives.gov/foia/biden-vp-records-covered-by-pra>

Records related to President Trump's 15 boxes located in Mar-a-Lago, Records of the John F. Kennedy Assassination Records Collection, <https://www.archives.gov/research/jfk/release-2025>;

Records related to the assassinations of Martin Luther King, and Robert F. Kennedy, <https://www.archives.gov/research/mlk>, and <https://www.archives.gov/research/rfk>

Records collected regarding the UFOs and UAPs, <https://www.archives.gov/research/topics/uaps>

Records collected for the Civil Rights Cold Case Act, <https://crcca.archives.gov/>

Records related to the Amelia Earhart special project, <https://catalog.archives.gov/search?collectionIdentifier=WJC%2A&levelOfDescription=item&page=1&q=%22Amelia%20Earhart%22>
<https://www.archives.gov/foia/15-boxes>

NARA Notice 2024-015 responsible Use of Artificial Intelligence, <https://www.archives.gov/files/foia/nara-notice-2024-015-responsible-use-of-artificial-intelligence.pdf>

4. Please provide a link (or component links, if applicable) where your agency routinely posts its frequently requested records.

A. NARA publishes frequently requested records in several locations:

Operational records are posted here: <https://www.archives.gov/foia/electronic-reading-room>.

Archival federal records are posted here: <https://catalog.archives.gov/>.

Archival Presidential records are available here: <https://www.archives.gov/presidential-records/research/archival-collections>.

Selected Vice Presidential records are available here:

<https://www.archives.gov/research/vice-presidential-records>.

5. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website? If yes, please provide examples of such improvements, such as steps taken to post information in open and machine-readable formats. If your agency is not taking steps to make posted information more useful, please explain why.

A. Yes. Through its core statutory mission, NARA proactively makes the vast majority of its archival records available to the public without the need to file a FOIA request. Furthermore, due to the age of most of the records in the National Archives, NARA routinely makes discretionary releases in the processing of access requests to our archival holdings. NARA's holdings are described in the National Archives Catalog (see <http://www.archives.gov/research/catalog/>).

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

A. Yes. The majority of records that are disclosed proactively at NARA are the result of Research Services, Legislative Archives, and the Presidential Libraries. Each of these offices post records through the National Archives Catalog, or on their respective webpage. In order to post records in an efficient manner, all offices interact with our Web Development Office, and components within the Chief Information Officer's office.

7. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

- A. Through its core statutory mission, NARA proactively makes the vast majority of its archival records available to the public without the need to file a FOIA request. Furthermore, due to the age of most of the records in the National Archives, NARA routinely makes discretionary releases in the processing of access requests to our archival holdings. NARA's holdings are described in the National Archives Catalog (see <http://www.archives.gov/research/catalog/>).

NARA is committed to preserving and maintaining access to the content of all of the born-digital records and digital surrogates in our holdings that are determined by the Archivist to have sufficient historical or other value to warrant continued preservation by the United States Government. In this strategy, access refers to the continued, ongoing usability of records and their content, retaining qualities of authenticity, accuracy, and functionality deemed to be essential to maintain and identify the purposes for which the records were created.

NARA's FY 2022-2026 Strategic Plan identifies digital preservation as a strategic objective for the agency. Goal 3, Maximize NARA's Value to the Nation, states in part "NARA will advance existing physical and intellectual controls for the agency's holdings to enable digital preservation risk planning and risk mitigation in a trustworthy repository, and ongoing access to electronic records." (see <https://www.archives.gov/files/preservation/digital-preservation/digital-preservation-strategy-2022-2026.pdf>)

Section IV: Steps Taken to Make Better Use of Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. DOJ's 2022 [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](https://www.foia.gov) interoperability requirements. Please answer the following

questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

A. NARA's decentralized FOIA units have launched a study of the agency's aging case management and redaction systems to identify shortcomings amid limited funding. This study will conclude in 2026 with recommendations for potential upgrades and for maximizing limited resources and reducing backlogs.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.

A. NARA's Presidential Library archival units continue to utilize the agency's Electronic Records Archives (ERA) to capture FOIA review determinations for born-digital records. NARA is also utilizing Microsoft Access to manage and support FOIA queues at some Presidential Libraries. NARA is looking to expand the use of e-discovery technology (currently used for special access requests) into FOIA.

3. Does your agency currently use any technology to automate request intake, customer service, or record processing? For example, does your agency use artificial intelligence or other tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

A. NARA currently uses automated internet website systems for request intake. FOIA requests and archival record requests may be submitted electronically by members of the public who access our platforms. NARA receives requests via the U.S. Department of Justice's FOIA portal ([FOIA.gov](https://www.foia.gov)), eVetRecs (for military Official Military Personnel File (OMPF) record requests), Inquiry reference email

inbox, and NARA's Office of General Counsel's main FOIA inbox. To aid FOIA record processing, one of NARA's FOIA units implemented a new auto-redaction capability in one of our unclassified redaction systems. This auto-redaction function has yet not been studied to determine production time or financial resource savings.

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

A. NARA reviews and updates website pages and posts frequently requested operational and archival records in the agency's FOIA Reading Room. Records released in response to FOIA requests are also available on webpages dedicated specifically to Presidential Library holdings and to the National Archives Catalog (see <http://www.archives.gov/research/catalog/>)

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2025 appear on [FOIA.gov](#)?

A. Yes.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2026.

A. N/A .

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2024 Annual FOIA Report and, if available, for your agency's Fiscal Year 2025 Annual FOIA Report.

A. Yes (<https://www.archives.gov/foia/reports>).

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

A. Yes.

9. Optional -- Please describe your agency best practices in better utilizing technology and any challenges your agency faces in this area.

A. NARA's primary obstacles to technology are funding and staffing.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

DOJ's 2022 [FOIA Guidelines](#) instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access for any categories of first-party requested records, outside of the typical FOIA or Privacy Act process?

A. Yes.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

A. **The National Personnel Records Center uses the [eVetRecs](#) Online Service Records Request tool for veterans to request their own or a family member's records. NARA has also partnered with the Department of Veterans Affairs to digitize veterans' Official Military Personnel Files (OMPF). This service allows the veterans to view and retrieve their records, preparing records for release and viewing onsite or online. Former civil servants may also request access to their Official Personnel File by submitting a request electronically to NARA's [Civilian Personnel Records Center](#) or to the physical address by U.S. mail.**

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

A. **As the premier research repository for federal records, NARA's website informs the public on how to access Federal records electronically, in person, or through a hired researcher. Public research rooms are open during the week at Presidential Libraries and at archival research rooms in College Park, Md., Washington, D.C., and other regional sites across the country. Records are accessible to veterans and the general research public. NARA strives to make all information available to the public and only requires a FOIA request for federal information protected by one of the nine exemptions. Additionally, NARA posts records from high-profile FOIA requests in the agency's online FOIA reading room, and as noted above, records are accessible in our National Archives Catalog.**

B. Timeliness

4. For Fiscal Year 2025, 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 2025 Annual FOIA Report.

A. 4 days.

5. If your agency's average number of days to adjudicate requests for expedited processing was more than ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2025 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

A. N/A.

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

A. Yes.

7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2025?

A. Yes, 15 Days.

8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

A. N/A.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2025 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

A. 25,291 divided by 27,511 = 0.919 x 100 = 91.9 = rounded 92 %

10. 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?

A. N/A.

C. Backlogs

Backlogged Requests

11. If your agency had a backlog of requests at the close of Fiscal Year 2025, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2024?

A. No, NARA's backlog went from 5,107 for FY 2024 to 5,407 for FY 2025.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2025 than it did during Fiscal Year 2024?

A. Yes, for FY 2025, NARA processed 27,511, an increase over FY 2024, NARA processed 23,893.

13. If your agency's request backlog increased during Fiscal Year 2025, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

An increase in the number of incoming requests

A loss of staff

An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)

Litigation

Any other reasons – please briefly describe or provide examples when possible

A. NARA's backlog increased due to an increase in the number of requests, staff reductions across the agency, voluminous Presidential record moves, and

increased litigation. Additionally, NARA prioritized the declassification and proactive disclosures of hundreds of thousands of pages of records of widespread interest to the American public, such as those for John F. Kennedy, Robert F. Kennedy, Dr. Martin Luther King, UAP, and Civil Rights Cold Case files, consistent with the President's Executive Orders and Congressional legislation.

14. 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 2025. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

A. $5393 \div 27,797 = 0.194 \times 100 = 19.4 = 19\%$

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2025, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2024?

A. No, NARA's backlog increased by 73 appeal cases (342-269=73).

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2025 than it did during Fiscal Year 2024?

A. No, NARA processed 9 appeals in FY 2024 and 2 appeals in FY 2025.

17. If your agency's appeal backlog increased during Fiscal Year 2025, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

An increase in the number of incoming appeals

A loss of staff

An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)

Litigation

Any other reasons – please briefly describe or provide examples when possible

NARA's oldest appeals all contain classified archival records created by other agencies. NARA does not have declassification authority and must coordinate with the Original Classification Authorities to review and grant or deny declassification requests.

Additionally, the rate of appeal processing was impacted by the need for FOIA staff to meet a record number of court-mandated production schedules stemming from increased FOIA litigation.

18. 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 2025. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2025 and/or has no appeal backlog, please answer with "N/A."

A. 342 (backlogged appeals) (÷) 75 (received) = 4.56 X 100 = 456 %

D. Backlog Reduction Plans

19. In the 2025 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2024 was asked to provide a plan for achieving

backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year?

A. Yes.

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 2025?

A. NARA launched a successful pilot targeting voluminous backlog requests. Staff proactively contacted requesters to negotiate the scope of their request. This effort was tremendously successful, resulting in an 18% reduction in the total estimated number of pages in NARA's Presidential records backlog. NARA intends to continue these efforts this fiscal year.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2025, please explain your agency's plan to reduce this backlog during Fiscal Year 2026.

A. NARA will continue proactively working with requesters to clarify or narrow the scope of vague or overly broad/unreasonably burdensome FOIA requests. NARA will also pursue technological upgrades to make FOIA processing more efficient, and will endeavor to increase staffing levels, if possible, to address the backlog. Finally, NARA will continue to focus efforts on proactive disclosures of commonly-requested records that will satisfy large numbers of requests.

E. Reducing the Age of Requests, Appeals, and Consultations

Ten Oldest Requests

21. In Fiscal Year 2025, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2024 Annual FOIA Report?

A. No.

22. 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 2025 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

A. One request was closed.

23. Beyond working on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

A. Several of NARA's 10 oldest FOIA requests are in the queue awaiting FOIA consultation review by OCA agencies due to their classified content.

Ten Oldest Appeals

24. In Fiscal Year 2025, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2024 Annual FOIA Report?

A. No.

25. 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 2024 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

A. No, NARA did not close any of the appeals from the FY 2024 Annual Report.

26. Beyond working on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

A. The majority of NARA's oldest appeals contain classified historical records created by other agencies, with varying degrees of complexity. NARA does not have declassification authority and must coordinate with Original Classification Authorities for review and declassification determinations. Additionally, these appeals are still pending in FOIA consultation queues.

Ten Oldest Consultations

27. In Fiscal Year 2025, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2024 Annual FOIA Report?

A. Yes.

28. 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 2024 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

A. N/A, NARA closed its oldest consultations.

29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2026.

A. As in previous years, several of NARA's 10 oldest FOIA requests sought classified archival records created by other agencies that required declassification reviews before public release. NARA is awaiting returns from consultations with other agencies regarding their declassification decisions. Staff at NARA's National Declassification Center and the Presidential Libraries regularly track the 10 oldest requests (appeals/consultations/initial requests) currently in queues with intelligence agencies, which are required to complete each case's review and issue final determinations. In addition, even though NARA is the appeal authority for FOIA requests for archival records that contain classified national security information, instead of the agency with the classification equity, NARA does not have the authority to declassify the information contained in our classified document holdings. All FOIA requests and appeals involving classified information require consultation with the originating agency and, often, multiple other agencies/components. This

process inevitably adds to the time required to review and process requests and appeals for the withholding/protection of classified information.

F. Additional Information about FOIA Processing

A. N/A.

30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency's overall FOIA request processing and backlog. If possible, please indicate:

The number and nature of requests subject to litigation

Common causes leading to litigation

Any other information to illustrate the impact of litigation on your overall FOIA administration

A. In FY 2025, NARA had approximately 50 FOIA lawsuits pending and more than 50 FOIA requests at issue in those lawsuits, as some involved multiple FOIA requests. Most of the cases are subject to monthly processing rates or production deadlines. Many of requests subject to litigation during FY2025 involved high-profile issues such as the return of classified presidential records to NARA from former Presidents Trump and Biden, former President Biden's business dealings, and allegations about Hunter Biden and other Biden family members. Another common cause of litigation is lawsuits challenging production timelines. Many of the lawsuits involved high-volume requests covering hundreds of thousands of pages requiring line-by-line review and declassification reviews. Archival records are historical and must be handled with great care to preserve them. Additionally, NARA staff were limited in their ability to work on the FOIA complex backlog cases or appeals.