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July 11, 2016—sent via email

Franklin C. Jones
Executive Director
Privacy and Diversity Office
U.S. Customs and Border Protection
90 K Street NE
Washington, DC 20002

Dear Mr. Jones:

We again thank you for Customs and Border Protection (CBP) participating in a compliance assessment of the agency's Freedom of Information Act (FOIA) program by the Office of Government Information Services (OGIS).

As noted in our transmittal letter and in our report, OGIS follows up with agencies 120 days after the assessment report is published. The goal of following up with you is to understand what actions the agency took to address our recommendations for improving the office's administration of FOIA.

Attached for your review and response is a response form listing OGIS recommendations to the CBP. Please provide us with your response within 60 business days from the date of this letter. The response will be posted on the OGIS website.

We are, of course, available to discuss the follow-up questions and we welcome your comments.

We hope the follow-up questions will assist CBP in implementing its FOIA responsibilities. If you have any questions, please do not hesitate to contact Kirsten Mitchell at 202-741-5775 or at kirsten.mitchell@nara.gov.

Sincerely,

NIKKI GRAMIAN
Acting Director

cc: Karen Neuman, Chief FOIA Officer, Department of Homeland Security (DHS)
James Holzer, Deputy Chief FOIA Officer, DHS
Sabrina Burroughs, FOIA Officer/Public Liaison, CBP

Enclosure



Follow-up to Compliance Assessment of the Freedom of Information Act (FOIA) program at the
Customs and Border Protection (CBP) Department of Homeland Security

Date: July 11, 2016

Date Report Issued: March 9, 2016

The Freedom of Information Act, which established the Office of Government Information Services (OGIS), codified at 5 U.S.C. § 552(h), mandates the office with reviewing agencies' FOIA policies, procedures and compliance. We assessed the FOIA program at Customs and Border Protection (CBP) and issued a report on March 9, 2016. As part of our assessment program, we follow up with agencies 120 days later to understand what actions the agency took to address our recommendations for improving the administration of FOIA.

Finding 1: Improved Management Practices Corrected Deficiencies in CBP's FOIA Program

Recommendation: Continue managing resources by developing a method for monitoring the number of pages processed and ensuring timelier processing of complex requests.

Agency Response:

Recommendation: Discuss with the Privacy and Diversity Office options for managing both the backlog and incoming requests and ensuring proper staffing levels in the coming years.

Agency Response:

Recommendation: Continue beyond FY 2016 the inter-agency agreement in which USCIS processes CBP records contained in Alien, or A-, Files.

Agency Response:

Recommendation: Ensure all requests for fee waivers and expedited processing are in accordance with DHS regulations.

Agency Response:

Recommendation: Continue to streamline FOIA processes and add quality control measures to further improve the program (check all requests for duplicates at the triage stage, evaluate processes for emerging bottlenecks, and continue to redirect resources as necessary).

Agency Response:

Recommendation: Develop a strategy to improve communication and promote cross-training between CBP FOIA and the Appeals offices.

Agency Response:

Recommendation: Develop a training schedule to ensure the staff has appropriate training as they gain additional responsibilities.

Agency Response:

Recommendation: Add the FOIA learning modules released by the Department of Justice in March 2015 to the CBP's online employee training hub.

Agency Response:

Finding 2: CBP’s FOIA Program Uses Technology to Increase Efficiencies, But Opportunities Exist to Strengthen its Use

Recommendation: Look at how records can be processed and released in their native formats when requested and incorporate any new processes into standard operating procedures.

Agency Response:

Recommendation: Explain on the CBP FOIA webpage how users can use the FOIAonline search tool and the advantages of creating an account on FOIAonline to request CBP records.

Agency Response:

Recommendation: Use the “FOIA” metadata tag for records released under FOIA.

Agency Response:

Recommendation: Create a system to ensure that released records that are of interest to the public are placed in the public repository.

Agency Response:

Finding 3: CBP’s FOIA Program Improved Interaction with Requesters but Could Better Communicate with Requesters

Recommendation: Edit template letters to include an explanation of deficiencies that cause a request not be processed, information about the search, information about exemptions, including what they mean, and a page count of material released or withheld.

Agency Response:

Recommendation: Review CBP forms and templates for plain language

Agency Response:

Recommendation: Consider adding to helpspanish.cbp.gov webpage information about the FOIA program in Spanish.

Agency Response: