Department of Defense

Chief Freedom of Information Act Officer Report to the Department of Justice

For 2024

Preparation of this study/report cost the DoD approximately $27,000 for the 2024 Fiscal Year

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2024 Department of Defense
Chief Freedom of Information Act (FOIA) Officer Report
to the Department of Justice

Message from the Chief FOIA Officer

I am pleased to submit the 2024 Department of Defense (DoD) Chief FOIA Officer Report to the Department of Justice (DOJ). The DoD FOIA program is supported by the leadership and dedication of the DoD FOIA Program Components and professionals located around the world.

On my behalf, the Freedom of Information Directorate (PCLT-FD), located within the Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency (OATSD(PCLT)), oversees all FOIA policy matters within the DoD. Through PCLT-FD, DoD continued to place emphasis on improving compliance and implementation of the FOIA, including the areas of particular interest to DOJ in this year's report: (1) applying the presumption of openness; (2) implementing effective systems for responding to requests; (3) increasing proactive disclosures; (4) increasing greater utilization of technology; and (5) improving timeliness.

I am proud of DoD's continued dedication to improve FOIA processes and look forward to our ongoing efforts to enhance and promote the principles of openness and transparency.

Joo Y. Chung
Assistant to the Secretary of Defense
for Privacy, Civil Liberties, and Transparency

Introduction

The Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency (ATSD(PCLT)) serves as the DoD Chief FOIA Officer. The Office of the ATSD(PCLT) establishes policy and provides overall FOIA guidance to the DoD Components, ensuring DoD processes comply with the FOIA, relevant case law, and DoD policy.

The DoD has a decentralized FOIA program, with each of the 34 DoD FOIA Program Components referenced below, implementing its own FOIA programs. The DoD Components establish and maintain FOIA processes uniquely tailored to their organizations while providing the best quality customer service possible.

Consistent with the DOJ Office of Information Policy guidance, this Report is not delineated by data from each of the 34 DoD FOIA Program Components but provides highlights, examples, and narratives of the efforts across the Department. Although the reporting period covers March 2023 to March 2024, this Report also includes fiscal year data compiled from DoD's 2023 Annual FOIA Report.

DoD FOIA Program Components/34 FOIA Request Service Centers (RSC)

AIR FORCE	Department of the Air Force
AFRICOM	U.S. Africa Command
ASBCA	Armed Services Board of Contract Appeals
ARMY	Department of the Army
CENTCOM	U.S. Central Command
CYBERCOM	U.S. Cyber Command
DCAA	Defense Contract Audit Agency
DCMA	Defense Contract Management Agency
DCSA	Defense Counterintelligence and Security Agency
DeCA	Defense Commissary Agency
DFAS	Defense Finance and Accounting Service
DHA	Defense Health Agency
DIA	Defense Intelligence Agency
DISA	Defense Information Systems Agency
DLA	Defense Logistics Agency
DoDEA	Department of Defense Education Activity
DoD OIG	Department of Defense Office of the Inspector General
DTIC	Defense Technical Information Center
DTRA	Defense Threat Reduction Agency
EUCOM	U.S. European Command
JPRA	Joint Personnel Recovery Agency
INDO-PACOM	U.S. Indo-Pacific Command
NAVY	Department of the Navy

NGA	National Geospatial-Intelligence Agency
NGB	National Guard Bureau
NORTHCOM	U.S. Northern Command
NRO	National Reconnaissance Office
NSA	National Security Agency
OSD/JS	Office of the Secretary of Defense/Joint Staff
SOCOM	U.S. Special Operations Command
SOUTHCOM	U.S. Southern Command
SPACECOM	U.S. Space Command
STRATCOM	U.S. Strategic Command
TRANSCOM	U.S. Transportation Command

SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

A. Leadership Support for FOIA

The FOIA requires each agency designate a senior official, at least at the Assistant Secretary or equivalent level, as the Chief FOIA Officer. Ms. Joo Chung serves as the ATSD(PCLT) and is also appointed as the DoD Chief FOIA Officer.

DoD made great strides in incorporating FOIA into its core mission and strengthening the DoD FOIA Program. Within the OATSD(PCLT), (PCLT-FD) oversees all FOIA policy matters within the DoD. PCLT-FD ensures ongoing emphasis on FOIA, including the AG's particular interest areas: (1) applying the presumption of openness; (2) implementing effective systems for responding to requests; (3) increasing proactive disclosures; (4) increasing greater utilization of technology; and (5) improving timeliness.

DoD also executed its mission by fully respecting and protecting privacy and civil liberties, promoting Department transparency, and cooperating with external partners and stakeholders. DoD also integrated the OATSD(PCLT) capabilities, crossing intelligence and non-intelligence activities with appropriate independent oversight to ensure the Department's success.

In addition, DoD FOIA Program Components incorporated FOIA into their core missions, milestones, and strategic plans. For example:

- The DIA Director created the Information Management and Compliance Office (IMO) to align eight information management disciplines into one office under the DIA Chief of Staff. The Director of IMO reports to the Chief of Staff and incorporates FOIA into the broader agency mission. The performance of the DIA FOIA Office is part of the DIA Chief of Staff's overall strategic plan.

- The EUCOM Directorate of Manpower and Personnel, which is the office that has responsibility for the EUCOM FOIA Program, updated its strategic framework to emphasize the importance of the FOIA program in its support to EUCOM operations.

- The NAVY, through its FOIA instruction (SECNAVINST 5720.42G), places FOIA central to its mission and holds commanding officers responsible. Also, reduction milestones have been incorporated into the NAVY's backlog reduction plan.

- New OSD employees must attend an orientation course to learn about the organization. The OSD/JS presents at this training and enlightens new personnel on FOIA history, informs them about OSD/JS expectations, and provides an overview of the FOIA exemptions. This orientation familiarizes new employees with FOIA and aids in removing fear, surprise, and uncertainty about the process.

- DCSA incorporated FOIA into its FY 2022-2027 Strategic Plan and core mission by enhancing tracking, monitoring, and auditing capabilities and improving reporting capabilities within ServiceNow, DCSA's FOIA tracking system.

- ASBCA ensures each FOIA team member participates in yearly FOIA training and in-person best practice training to better understand applicable FOIA policies and how to apply that knowledge in processing FOIA requests. The ASBCA tracks its FOIA requests to ensure each request is processed in accordance with the rules established by the DoD.

- DoD OIG sets and tracks annual FOIA goals in its component strategic plan. One of the goals this past FY included transitioning from FOIAonline to a new case management system before the start of the new fiscal year.

- The NGB closely monitors progress and continuing needs of the FOIA program bi-weekly to address agency concerns and marshal resources.

- STRATCOM is currently re-evaluating their FOIA management system as part of an integrated process with stakeholders across the Command, including Command Security, Knowledge Management, and the Historian, so that mandatory declassification reviews may occur more quickly and comprehensively.

B. Presumption of Openness

The AG's FOIA Guidelines memorandum, dated March 15, 2022, 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." PCLT-FD continues to oversee and enforce the DoD Chief FOIA Officer's memo entitled "DoD Guidance on Attorney General (AG) FOIA Guidelines" (DoD Guidance Memo) sent to all DoD FOIA officers, attorneys, public liaisons, and appellate authorities requesting they take action in the within30 days of the date of the signed memo to ensure response letters to FOIA requesters include language addressing the application of the foreseeable harm standard, as suggested in the AG's FOIA Guidelines. It also instructed DoD Components to adequately document foreseeable harm determinations in the FOIA case file and communicate compliance with the requirements to the requester.

During this year's reporting period, DoD Components applied the foreseeable harm standard to identifying information that may be released 100% of the time, in contrast to last year's reporting period in which only 85% reported applying the foreseeable harm standard. During this year's reporting period, DoD Components added the foreseeable harm standard to their response letters 94% of the time, confirming that the foreseeable harm was considered, which was a 9% increase from last year's reporting period.

Finally, this year 94% of DoD Components reported documenting the foreseeable harm determinations in their FOIA administrative case files compared to last year's 85%.

Some DoD FOIA Program Components use other initiatives to ensure the presumption of openness is applied. For example:

- The NSA Center for Cryptologic History continues to post numerous History Today articles and CryptoComics to the NSA.gov website. They also proactively posted released litigation productions. All released postings can be reviewed using the general path noted below by clicking on the specific topic, such as "FOIA reports and releases," "NSA Inspector General Reports," "Historical Releases," "Internal Periodicals and Publications," etc.

- https://www.nsa.gov/Helpful-Links/NSA-FOIA/Declassification-Transparency-Initiatives

- OSD/JS posts all FOIA releases in instances where there are no privacy considerations. OSD/JS posted 157 new records to its FOIA reading room this year.

  - https://www.esd.whs.mil/FOIA/Reading-Room/Reading-Room-List_2/

- JPRA continues to ensure senior leadership is aware of the importance of the FOIA and its impact when the presumption of openness is applied.

- DTIC established its FOIA Reading Room in FY 2023. The Reading Room allows public access to previously requested documents as intended under the FOIA and requesters can now access those documents without having to submit a FOIA request. DTIC continues to add records requested in past fiscal years. Those documents are posted on the DTIC site at Discover.

  - https://DTIC.Mil
  - https://discover.dtic.mil/FOIA

- DTRA proactively posts FOIA logs and their annual reports to their FOIA reading room. Public Affairs approves proactive disclosures of information and also posts them on social media and the Agency's public website.

  - https://www.dtra.mil/About/Mission/Freedom-of-Information-Act-and-Privacy-Act/FOIA-Reading-Room/

- ASBCA's website provides over 6,000 published decisions and reports dating back to the year 2000.

  - https://www.asbca.mil/FOIA/foia.html
  - https://www.asbca.mil/Decisions/decisions2023.html
  - https://www.asbca.mil/Rules/rules.html
  - https://www.asbca.mil/Reports/reports.html
  - https://www.asbca.mil/ADR/adr.html
  - https://www.asbca.mil/Rules/forms/GENERAL%20GUIDANCE%20FOR%20CONDUCTING%20VIRTUAL%20PROCEEDINGS%20-%208.28.2020.pdf

- The AIR FORCE FOIA Office routinely publishes all FOIA responses, including frequently requested documents, to its FOIA Library, except for privacy-specific responses. The AF FOIA office works closely with AF Public Affairs and Legislative Liaison Offices.

  - https://www.compliance.af.mil/Resources/FOIA/

- DCSA continues to expand its website to ensure the public has access to all relevant FOIA information. Its goal is to promote greater transparency and public awareness of each FOIA function.

- https://www.dcsa.mil/Contact-Us/Privacy-Civil-Liberties-FOIA/Privacy-Civil-Liberties-FOIA-Program-Overview/
- https://www.dcsa.mil/Contact-Us/Privacy-Civil-Liberties-FOIA/FOIA-Requests/
- https://www.dcsa.mil/Contact-Us/Privacy-Civil-Liberties-FOIA/
- https://www.dcsa.mil/Contact-Us/Privacy-Civil-Liberties-FOIA/Amendment-Requests/
- https://www.dcsa.mil/Contact-Us/Privacy-Civil-Liberties-FOIA/bir/
- https://www.dcsa.mil/Contact-Us/Privacy-Civil-Liberties-FOIA/Requesting-Adjudication-Records/
- https://dcsa.mil/Contact-Us/Privacy-Civil-Liberties-FOIA/Privacy-Impact-Assessments-PIA/

- CENTCOM upgraded its website which allows requesters to check the status of their FOIA request(s) in CENTCOM's processing queue.

  - https://www3.centcom.mil/FOIALibrary/StatusReport/FOIA_Status_Report.pdf

On rare occasions, DoD Components 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 response is commonly referred to as a "Glomar" response. Although DOJ does not currently require DoD Components track their use of Glomar responses, 76% of DoD Components track whether a request involved a Glomar response. Fifty percent of those components reported having zero Glomar responses this reporting period and the other 26% reported 150 Glomar responses. FOIA exemptions (b)(1), (b)(3), (b)(6), and (b)(7)(c) were used as the basis for these Glomar responses. To ensure all Glomar responses are recorded, PCLT-FD now requests this information be provided in the quarterly reports.

SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The AG FOIA Guidelines provide that "ensuring 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 the spirit of cooperation." The AG also "urges agency Chief FOIA Officers to undertake a comprehensive review of all aspects of its agency's FOIA administration" to ensure fair and effective FOIA administration.
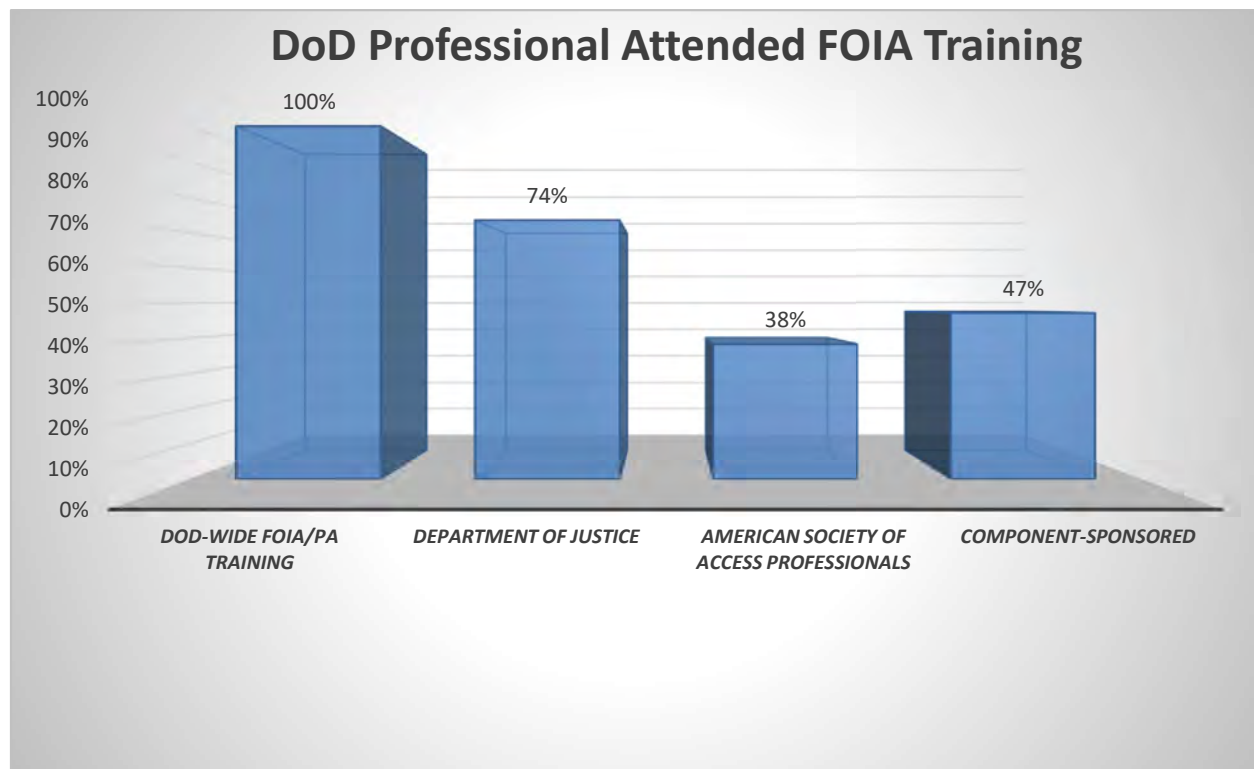
A. FOIA Training

The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. The PCLT-FD is responsible for encouraging and promoting FOIA training across the agency. The OATSD(PCLT) conducts in-person and virtual FOIA/Privacy Act (PA) presentations and training in this capacity.

The OATSD(PCLT) led a DoD Breakout session during the American Society of Access Professionals (ASAP) 16th Annual National Training Conference held in June 2023 in New Orleans, Louisiana. The Breakout session topics included OATSD(PCLT) structure and responsibilities, FOIA information and topics, and Privacy information and topics. In September 2023, ASAP also conducted a FOIA/PA Training Workshop in Minneapolis, Minnesota, where PCLT-FD's Director provided training on various FOIA topics.

In October 2023, OATSD(PCLT) hosted a three-day DoD FOIA/PA Training Workshop. This event took place at the Mark Center in Alexandria, Virginia. PCLT-FD collaborated with various government agencies, including the Department of Treasury, the National Archives, the Department of State, the Office of Government Information Services, the Federal Bureau of Investigation, and various FOIA offices within the DoD.

OATSD(PCLT) continues its Virtual FOIA/PA Training Program for the DoD FOIA Community. The program delivered initial, refresher, and advanced training courses for DoD FOIA professionals. Monthly training topics included Glomar, Exemption (b)(3) Statutes, Annual FOIA Report, Chief FOIA Officer Report, Quarterly Report Preparation, and various other FOIA-related topics.

During this reporting period, 100% of DoD FOIA Components received formal FOIA training. Ninety-seven percent of DoD Components reported 80% or more FOIA professionals attended training. All 34 DoD Component's attended DoD-wide FOIA/PA Training. Additionally, 74% of DoD FOIA personnel attended DOJ's OIP training and 47% participated in component sponsored FOIA training. Approximately 38% of DoD FOIA personnel attended ASAP training. DoD intends to provide additional DoD-wide FOIA/PA training or workshops and strongly encourages components conduct internal training to increase the knowledge of DoD's FOIA professionals.

DoD Professional Attended FOIA Training

Category	Percentage
DOD-WIDE FOIA/PA TRAINING	100%
DEPARTMENT OF JUSTICE	74%
AMERICAN SOCIETY OF ACCESS PROFESSIONALS	38%
COMPONENT-SPONSORED	47%

The DoD Components that reported hosting their own internal FOIA professionals training indicated a variety of venues and substantive teaching methods in applying and implementing the FOIA. For example:

- SOCOM provides funding for government and contractor personnel to attend training each year, and all personnel are encouraged to participate in any virtual training provided by any agency, particularly DoD and DOJ. At a minimum, each individual attends at least one training conference or workshop each year. SOCOM is consistently available and provides internal training to newly assigned subject matter experts (SMEs) or directorate coordinators. They maximize participation in community outreach sessions, DoD FOIA Best Practice Workshops, Speaker Series, and DoD FOIA Virtual Trainings.

- OSD/JS established a training program for its newly hired federal employees and contractors. OSD/JS provides annual FOIA training to its 40 subcomponents and meets with these subcomponent offices individually to discuss their progress and to brainstorm strategies to assist them in meeting goals and milestones. OSD/JS also met with SMEs within specific subcomponents to provide training and answer questions about scenarios the SMEs were facing.

- OATSD(PCLT) personnel attended the ASAP Annual National Training Conference in June 2023. The appeals team routinely conducted internal FOIA refresher training for OATSD(PCLT) personnel on using the FOIA case management system, exemptions, new processes, and best practices. The appeals team ensured basic FOIA training was available for all new personnel.

- The AIR FORCE regularly notifies their subcomponents regarding upcoming training and shares training opportunities on bi-weekly meeting calls. As a requirement, initial online computer training must be completed before accessing eFOIA by each user and annual refresher training must be completed each year thereafter.

- All new CYBERCOM personnel (federal staff and contractors) are briefed on their responsibilities under the FOIA as part of their Entrance on Duty orientation. In addition, FOIA information sessions are provided to directorates with other mission-related duties upon request. The CYBERCOM internal FOIA website also provides a document library of training presentation/training materials on CYBERCOM's Newcomers Orientation portal.

- ASBCA assigned FOIA personnel must attend DoD/DOJ-wide FOIA training, when available, to stay informed on FOIA policies and procedures.

- DCAA's support staff attended the OATSD(PCLT) provided training in October 2023 and plans to continue attending training to increase their FOIA, Privacy, and Civil Liberties understanding.

- CENTCOM conducted quarterly SME training/briefings and made deskside training on FOIA policies and processing procedures available.

- ARMY is launching revised online training modules to provide general FOIA education to the workforce and specialized training for FOIA professionals. In FY 2024, it also plans to host the ARMY's first in-person FOIA Workshop for FOIA Professionals. In addition, it is developing detailed FOIA training workshops for new FOIA personnel and publicizing the availability of applicable DoD and DOJ no-cost FOIA courses for both new and experienced FOIA personnel.

- AFRICOM attends DOJ OIP FOIA training online as it becomes available. Also, AFRICOM recently hired two new FOIA Professionals. Although these new employees had no turnover with the previous staff and received minimal training, they hit the ground running to turn the program around. Additionally, OATSD(PCLT) assisted by sending a seasoned FOIA professional to AFRICOM for two weeks to assist in reorganizing the FOIA program.

- The DoD OIG hosts annual internal training for component FOIA POCs to ensure that components perform proper, timely, and complete searches for records. FOIA Office employees attended internal, DoD-wide FOIA training and several DOJ FOIA training classes. This three-pronged training approach ensures employees receive diverse, credible training regularly.

Again this year, the most employed methods for informing non-FOIA professionals of its FOIA obligations were general FOIA training for all personnel and detailed FOIA training for SMEs. General training is intentionally broad and introductory in nature, while SME training featured detailed guidance on proper FOIA exemption application, ensuring the SME understands both the FOIA and agency policies. For instance:

- JPRA posted FOIA processing guidance on its agency's internal portal. They continue to provide specific uniform guidance to Archivists, SMEs, and Action Officers. SMEs and Action Officers are trained or instructed via tasking instructions when tasked to coordinate search requests. Guidance clearly outlines proper search procedures, the search documentation importance, line-by-line review requirements, appropriate exemption application, and referral and consultation procedures. Finally, a JPRA FOIA Training Portal is on the horizon.

- The EUCOM FOIA Office provides training materials, consisting of PowerPoint Presentations and handouts, and links to OATSD(PCLT) and DOJ virtual training courses to non-FOIA professionals on the EUCOM intranet site. In addition, the EUCOM FOIA Officer briefed senior staff on the EUCOM FOIA process and the component's obligations under the FOIA.

- DoDEA provided annual FOIA refresher training to Regional components on the importance of FOIA and component personnel obligation under the FOIA.

- DIA continues to deliver comprehensive organizational-specific training to non-FOIA SMEs for their region. The training guides SMEs' roles and responsibilities in ensuring accurate DIA responses. The FOIA office also distributed the FOIA 101 comic strip that defined FOIA, explained the exemptions, provided an overview of the process, and explained the role of the mission partner and what causes cases to go into appeals and litigation. The IMO Chief meets with the DIA Chief of Staff (CoS) weekly, providing

updates on the FOIA program and the FOIA office. The IMO provided a FOIA program review to the CoS in November 2023.

- NGB Senior Leaders are routinely updated on the health and progress of the FOIA program and efforts to improve program effectiveness. Offices that receive FOIA requests are provided with highly detailed instructions that advise them on processing guidelines and best practices.

- The NAVY invites non-FOIA professionals, such as command officials and SMEs, to all FOIA training events and includes them on most FOIA news items the FOIA Policy Coordinator circulates. In addition, the NAVY FOIA program headquarters leads a program called "High-Visibility," or "HIVIZ," FOIA requests, wherein it briefs senior officials. In FY 2023, the program informed leadership about approximately 100 HIVIZ requests.

- The OSD/JS trains personnel in an Action Officer course comprised of OSD/JS non-FOIA professionals. This course introduces them to the FOIA process by explaining the importance of the Act and proper handling of FOIA searches and reviews assigned to them. It also educates them on FOIA history, processes, and FOIA exemptions. OSD/JS also briefed at the Senior Administrative Officers Forum, comprised of senior executives who lead the 40 subcomponent offices under OSD/JS FOIA responsibility. OSD/JS discussed what is going well and the challenges faced with promptly receiving responses from FOIA taskers. OSD/JS also provided updates on available resources to assist the subcomponents with FOIA processing. OSD/JS FOIA Senior Leadership sends memoranda to equivalent Senior Executives across the OSD/JS twice a year to solicit faster responses to FOIA taskers to assist in answering requests in a timelier manner and to assist in meeting their backlog reduction goals and closing the ten oldest requests.

- OATSD(PCLT) personnel provided FOIA presentations to FOIA and non-FOIA personnel at DoD meetings, trainings, and briefings throughout the year. Also, OATSD(PCLT) facilitated presentations at non-federal training events for ASAP on multiple occasions.

B. Outreach

During this reporting period, 38% of the DoD Components reported engaging in formal outreach activities with the requester community. However, throughout the year, the majority of DoD Components proactively contacted individual requesters, engaging in substantive exchanges designed to educate, explain, and provide detailed information about their requests. Some of the smaller components with low requester volume indicated the request types they received lend themselves to more personalized interactions with requesters from the beginning of the FOIA process. DoD Components with smaller staff also resulted in requesters working with the same FOIA professional, facilitating better anticipation of high-demand materials. A few of the DoD Components participated in formal outreach activities. For example:
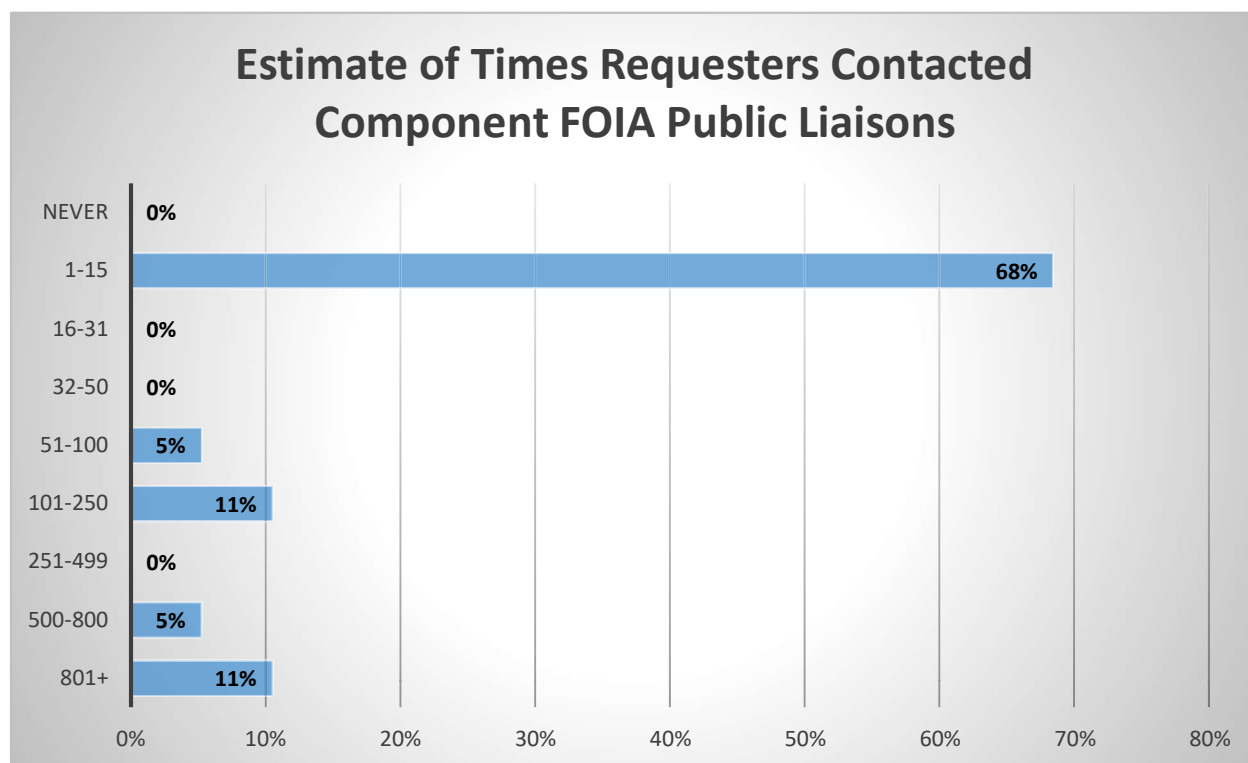
- ASBCA commonly receives inquiries on questions or records related to an ASBCA contract appeal. Therefore, the Board's policy is to provide the requester with the FOIA regulations and narrow the scope of the documents they seek to fulfill its guidance during the FOIA process accurately.

- CYBERCOM's FOIA Program Manager is serving the second year of her appointed two-year term on the National Archives and Records Administration FOIA Advisory Committee. Therefore, she has been working closely with the requester community on recommendations to the Archivist of the United States. She is currently authoring a white paper with other appointed federal government staff and requesters discussing the necessity of mandatory training for non-FOIA government staff.

- DCSA often coordinates with requesters to clarify or resolve FOIA request questions and assist in narrowing the scope of their requests.

- DIA established an announcement section on its public website to inform requesters of pertinent changes that may impact current and future requests. DIA also implemented six review stages for the FOIA request lifecycle and posted monthly updates on its public website to provide requesters with the current review status of their requests. DIA is also reaching out to requesters to confirm contact information. It has also participated in open government forums to discuss DIA FOIA practices with other government agencies and to share best practices. The Director of IMO has conducted outreach through speaking engagements with FOIA interest groups.

- EUCOM regularly reaches out to requesters who have pending requests to discuss and clarify the scope of a request, including how to navigate various FOIA resources across the Federal government. In addition, EUCOM proactively provides periodic estimated dates of completion (EDCs) to requesters with pending requests.

- The NAVY continues to publish FOIA program achievements in the Department of the Navy's "CHIPS" information technology magazine. The Marine Corps FOIA program leadership met in person with reporters from Military.com.

- NORTHCOM often contacts requesters to better understand the information they seek and narrow the search scope. NORTHCOM also explains the FOIA process to requesters to manage the expected response time, especially with complex requests.

- SPACECOM's FOIA Manager attended the ASAP Training Conference alongside seasoned FOIA requesters to better understand the process from a requester's perspective.

- NSA increased dialogue with requesters to tailor their requests, resulting in a win for their agency and the requester. NSA continues to educate requesters on how to tailor their requests to avoid submitting requests that are overly broad, resulting in the need for increased processing time, and to avoid submitting multiple requests for overlapping information. NSA has seen improvement, especially with its frequent requesters.

As part of the standard request process, 97% of DoD FOIA Program Components reported proactively contacting requesters concerning complex or voluminous requests to clarify or narrow the scope of the request so requesters will receive a more-timely response.

All DoD FOIA Program Components have FOIA Public Liaisons assigned to receive and respond to public feedback, questions, and concerns. Contact information is posted on www.foia.gov as well as component websites. Requester response letters also include the FOIA Public Liaison's contact information.

The chart below indicates the frequency of FOIA requesters contacting FOIA Public Liaisons for assistance throughout FY 2023.

Estimate of Times Requesters Contacted Component FOIA Public Liaisons

Category	Percentage
NEVER	0%
1-15	68%
16-31	0%
32-50	0%
51-100	5%
101-250	11%
251-499	0%
500-800	5%
801+	11%

The DoD assigned 19 FOIA Public Liaisons to cover the 34 DoD Components. Eighteen DoD Components have a dedicated FOIA Public Liaison. One individual is designated as the OSD/JS FOIA Public Liaison and the FOIA Public Liaison for 16 additional DoD Components.

During this reporting period, the DoD estimates over 2,000 interactions with requesters, including the shared FOIA Public Liaison.

C. Other Initiatives

As stated earlier, DoD has a decentralized FOIA program with each component responsible for its staff and resources. In FY 2023, 76% of DoD components evaluated the personnel resources required to respond to current and anticipated FOIA demands adequately. For instance:

- DCSA continues to evaluate personnel resources to adjust and align with the agency's business. This past year, the FOIA Office was authorized to hire one additional billet (and backfilled several vacant billets) to augment current and anticipated FOIA demands.

- DHA acquired four additional full-time employees (FTEs) in FY 2023 to meet current/anticipated demands at the headquarters level.

- The TRANSCOM FOIA Office, which falls under the Office of the Staff Judge Advocate, routinely analyzes, assesses, and discusses the FOIA caseload and the resources available to complete FOIA requests. TRANSCOM had a complete turnover of FOIA personnel and backfilled those vacancies with Reserve Component personnel. TRANSCOM recently filled both FOIA positions and training continues for the new Information Specialist.

- AIR FORCE is awaiting the finalization of the FOIA audit. Once the report is published, an action plan will be created.

- DoDEA added a new position to assist at the FOIA Requester Service Center.

- DLA has worked to determine the appropriate number of FTEs required to process the number of FOIAs they received in recent years. DLA also asked leadership to not only backfill positions currently open due to retirements/reassignments but have pushed to build adequate staffing levels to prevent further backlog in the future.

- NRO hired a production manager who works with the FOIA team to reallocate resources to ensure deadlines are met.

- OSD/JS evaluated the allocation of personnel and other resources needed and acquired 15 new contractors. This acquisition significantly impacted the OSD/JS, enabling them to close 58% of initial FOIA requests and 89% more consultations than in FY 2022.

- OATSD(PCLT) routinely assesses the need for increased personnel to support appeal processing demands. OATSD(PCLT) requested and received additional contractor support.

- ASBCA IDAs adjust FOIA staffing annually based on the number of requests received and the time required for the Board to respond.

- STRATCOM created a working group to ascertain how to manage FOIA more effectively as part of a broader knowledge management program.

- DFAS evaluated its component resources using its program metrics to determine that its current personnel levels are sufficient to perform its FOIA program's mission and reach its goals effectively.

DoD Components use data or processing metrics to ensure efficient FOIA workload management. These metrics come from case management reports, staff processing statistics, and spreadsheets created by the components. For instance:

- CENTCOM monitors the number of records reviewed by each analyst and the page count for responsive records. This metric allows CENTCOM to understand production capabilities and project final timelines for document processing. CENTCOM utilizes a locally designed and built Access database attached to an SQL reports server to collect and pull data.

- Each DCMA FOIA manager (HQ and regional) tracks the same information on the DOJ recommended raw data sheet and provides it to OATSD(PCLT) with the FOIA annual report. It is collected by the FOIA officer monthly and "balanced" against the HQ master raw data sheet.

- DISA currently uses a combination of homegrown case management and Adobe to process FOIAs. DISA is trying to shift to a Sharepoint-based process to increase its utilization of automation. DISA uses previously written products as templates for its task execution but is looking into a system that will automatically populate documents for use when that stage of a FOIA processing flow chart is reached.

- The AIR FORCE office conducts backlog reviews using eFOIA metrics to evaluate current backlog trends and to identify which subcomponents may need assistance. Once the metrics are reviewed, the AIR FORCE meets with the Requester Service Center to develop a plan to eliminate the identified barriers.

- OSD/JS sets monthly goals for backlog reduction. They determine how many cases will "age into" backlog by the end of the month and how many cases are needed to attain backlog reduction. OSD/JS began this process at the end of FY 2023 to determine what was required to achieve a certain measure of success by the end of the fiscal year and continued this every month after the end of FY 2023. OSD/JS provides weekly reports to their FOIA staff to assist them in managing their workloads. These reports show them pending cases awaiting their action to ensure that they close the closeable and further task those that require additional input from other offices internal or external to the organization. OSD/JS regularly provides reports to subcomponents upon request regarding their specific FOIA workload. Also, OSD/JS provides reports and metrics during subcomponent training meetings. OSD/JS also provides metrics during FOIA recaps to subcomponents.

- OATSD(PCLT) uses a FOIA case management system to provide case tracking, reports, case trends, backlog status, and assignments. This information is used to develop monthly updates to leadership, analysis, and presentation of processing statistics, reallocation of tasks, and annual metrics regarding the FOIA Appeals program.

- ASBCA created a FOIA database to track, monitor, and close out FOIA requests via shared drives, MS Excel, and FOIA tracking logs.

- DFAS continues to conduct self-assessments on its FOIA Program using the Risk Management Internal Control (RMIC) policy and guidance. It created process maps for critical processes within the FOIA Program, including key objectives, associated risk, non-key and critical controls, test controls, and desktop instructions. Also, process step narratives were developed to meet compliance standards. The FOIA Office achieved 99% for the entire twelve-month metric reporting cycle for timeliness and quality for FY

2023. Also, the RMIC testing cycle, the DFAS FOIA Office garnered a 100% pass rating on the five internal controls.

- CYBERCOM uses data analysis by creating spreadsheets and manipulating data to display metrics to include timelines, trends, increase/decrease in the number of requests, the average amount of days it takes to close requests, differences between the amounts of simple versus complex cases, and the total amount of FOIA actions.

- ARMY uses case management reporting data, combined with Excel spreadsheets, to track and examine FOIA request processing trends, upticks, delays, and request topics. ARMY evaluates overall and component-level activities, including incoming perfected requests, backlog, overall cases opened and closed, pending and closed percentages, and action on the top ten oldest cases. The Army Records Management Directorate and field offices track and report backlog details and data trends to the responsible senior staff members.

- SOCOM utilizes an internal Oracle database management system to log, track, and manage all FOIA requests received by their command. SOCOM can provide the full spectrum of metrics and automatically generated reports within the database management system. In partnership with the Command's Chief Data and Artificial Intelligence Office, they are building various data visualization dashboards for access ease and leadership oversight. Through the dashboard and tools, SOCOM FOIA personnel and leadership can capture any metric desired (caseloads, productivity, quarterly analysis, comparative data, exemption sorting, types of final responses, etc.).

- TRANSCOM uses a Microsoft Excel spreadsheet to track FOIA case files and other statistical data needed to track cases and complete the annual FOIA report.

- DCSA has a Reports and Compliance (R&C) SME on staff that issues weekly workload reports to allow leadership to evaluate and assess Key Performance Indicators (KPIs) and to ensure their FOIA workload's efficiency. KPIs included in the weekly report include completion rates segregated by case type, call center inquiries, inventory backlogs, and staff utilization. The R&C SME utilizes ServiceNow to comprehensively pull data from the three program offices to ensure consistency across their FOIA program.

- NAVY compiles performance metrics on a weekly and monthly basis, cross-compares them with historical data, and evaluates it in light of the complexity of incoming cases. This has included regular caseload checks and reporting capabilities utilization of its case management system.

DoD Components have taken steps to ensure their FOIA system operates efficiently and effectively. For example:

- SOCOM uses its FOIA database management system, which allows searching active caseload or previously processed cases, eliminates redundancy, and provides prompt notification to requesters in instances of duplicated requests. SOCOM's tasking process improved as their previous requirement of "requesting to task" was eliminated.

- NORTHCOM processes all the requests electronically from start to finish, which helps with the tracking and overall suspense/response time.

- TRANSCOM implemented its new Record Management Program and now maintains records in a centralized system which makes it easier to search for responsive records. TRANSCOM has also acquired eCase software to search through its electronic records.

- The NSA Office of Information Management, of which the FOIA/PA division is subordinate, is actively procuring new technology that is anticipated to significantly improve case management efficiencies, including tracking, de-duplicating, tagging, and reviewing. In addition, the NSA now employs an Electronic Records Management application to collect all CAPSTONE emails. When requests for such information are received, FOIA case officers can go directly to a repository to search for the data rather than going directly to the individuals. This has sped up the collection of electronic records for requests specific to emails by 80%.

- SPACECOM works with the SPACECOM Information Security Office to significantly improve the review process of older classified records, ensuring current and accurate classification. The FOIA Manager refined record search locations with feedback from SMEs.

- The OSD/JS FOIA team continually looks for process improvements to make processing more efficient. When several subcomponents expressed concerns about the tedious and time-consuming process of reviewing results from email searches to determine responsiveness and to de-duplicate, OSD/JS purchased software to improve this process. Reviews that previously took days and sometimes weeks can now be reviewed in hours. OSD/JS is piloting this software to a smaller group and planning to roll it out broadly by June 2024. Additionally, the OSD/JS team improved search requests sent to the OSD/JS offices by ensuring plain language is used, detailed search terms are provided, and encouraging the offices engage with the staff immediately if there are questions and concerns.

- NRO created a search template for internal subcomponents to ensure that searches are legally defensible.

- NAVY coordinates responses among commands, identifies commands with the highest backlogs and proactively posts documents to make FOIA requests unnecessary. The FOIA program leaders cultivate a culture of systematic improvement.
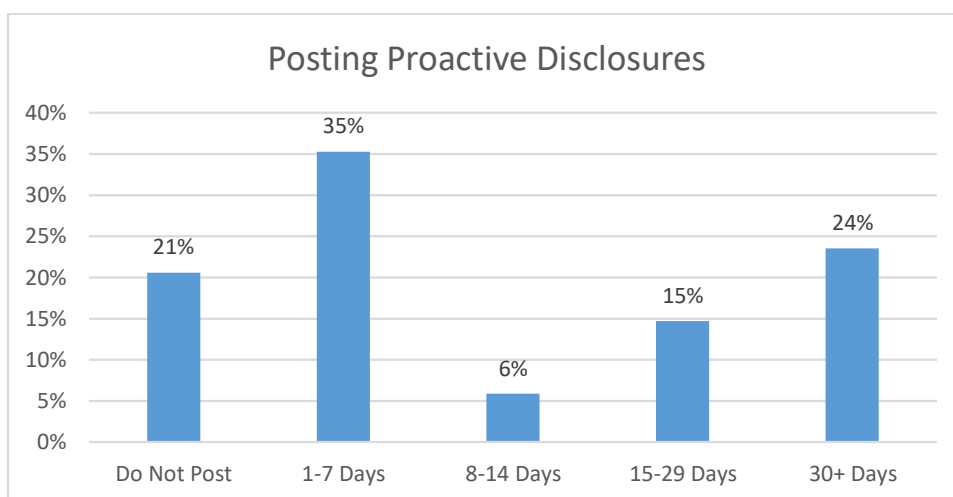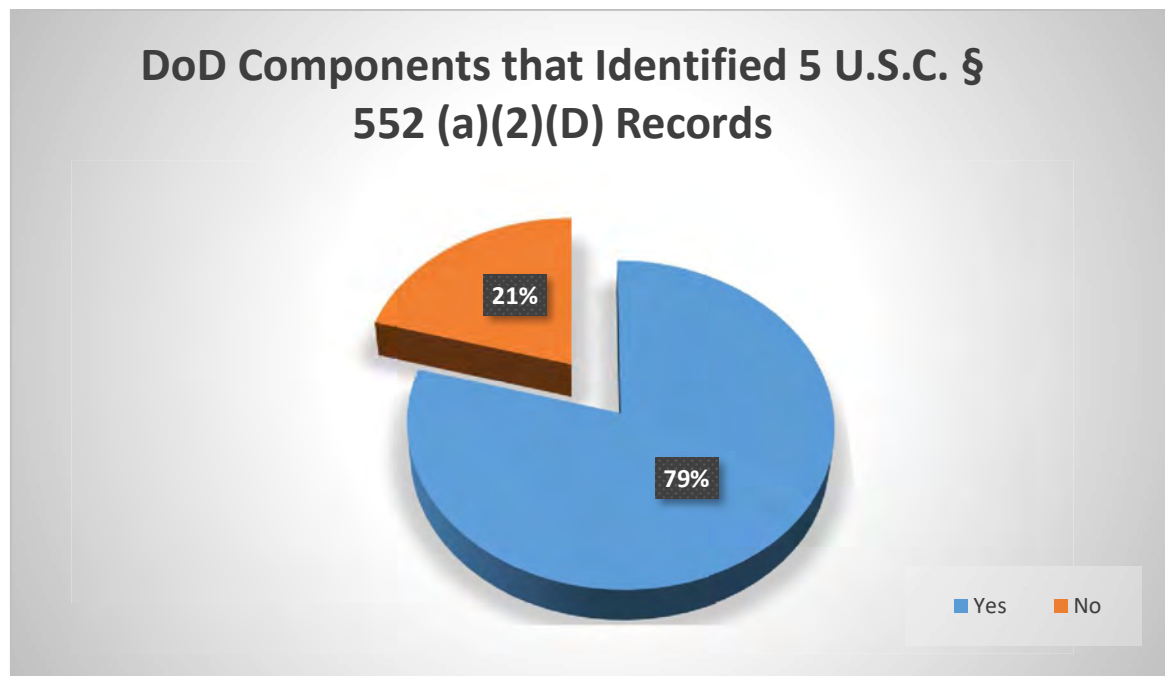
SECTION III: PROACTIVE DISCLOSURES

The AG 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 agencies should post records "in the most useful, searchable, and open formats possible." DoD's Guidelines Memo requested components review and identify any potential processes to increase the release of

proactive disclosures to make more non-exempt information available to the public on a timely basis.

In FY 2023, 79% of DoD Components identified and proactively disclosed records pursuant to 5 U.S.C. § 552(a)(2)(D), which are records requested under the FOIA three or more times. This is an increase from last year's reported 68% of DoD Components.

These records were identified through various methods throughout the Department, such as reviewing case logs, conducting searches for similar requests in the case management system, and the FOIA Action Officer's knowledge of previous requests.

DoD Components that Identified 5 U.S.C. § 552 (a)(2)(D) Records

Posting Proactive Disclosures

DoD encourages all components to post proactive disclosures to their Reading Rooms promptly. Most of these components post their records to their websites within seven days after being identified.

DoD has also taken additional strides to ensure its components proactively disclose material. Per the DOJ's recommendation, the DoD has requested its components to begin posting FOIA logs to the Reading Room. During this reporting period, 65% of the components are already proactively posting FOIA logs. Although there is no official format for posting FOIA logs, the majority of the DoD Components logs contain the request identification number, the requester's name, what organization the requester is from, the date the request was received, how the request was received (FOIA.gov, email, or mail, etc.), the closed date, the final disposition of the case, and the request description. It is recommended that logs be posted in comma-separated values (CSV). CSV files are text files with a specific format, allowing data to be saved in a table-structured format. There are currently four components using the CSV format.

DoD FOIA Professionals often coordinate with non-FOIA staff or SMEs to enhance the FOIA program. DoD professionals provided various training and leadership training to SMEs. DoD FOIA Program Components took steps to improve proactive record disclosures, and many FOIA offices collaborated with non-FOIA professionals, including Public Affairs Officers, SMEs, General Counsel, and IT Specialists, to ensure records are properly released. The following are examples of any material DoD Components 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).

- The AIR FORCE posts awards, contracts, and emails regarding Energy Assurance Gaps.

  ➢ https://efoia.cce.af.mil/app/ReadingRoom.aspx

- ASBCA proactively posts opinions and significant orders.

  ➢ https://www.asbca.mil/FOIA/foia.html
  ➢ https://www.asbca.mil/Decisions/decisions2023.html
  ➢ https://www.asbca.mil/Reports/reports.html
  ➢ https://www.asbca.mil/Charter/charter.html
  ➢ https://www.asbca.mil/Rules/rules.html
  ➢ https://www.asbca.mil/ADR/adr.html
  ➢ https://www.asbca.mil/Bios/biographies.html

- ARMY posts Court-Martial Results of Trial and Army Institute of Heraldry Documents.

  ➢ https://www.rmda.army.mil/readingroom/

- CENTCOM posts Command History reports and Operation Reports.

  ➢ https://www3.centcom.mil/FOIALibrary

- CYBERCOM posts released documents and various reports.

  ➢ https://www.cybercom.mil/FOIA-Privacy-Act/Reading-Room/

- DCAA's public website, www.dcaa.mil, contains information to assist stakeholders and provide general information to the public. This information includes audit guidance documents and checklists to help businesses prepare for DCAA audits. The two specific documents which are posted annually are the report to congress and audited financial statements:

  ➢ http://www.dcaa.mil/Home/ReportToCongress?title=Report%20to%20Congress
  ➢ http://www.dcaa.mil/Home/AuditedFinancialStatements?title=Audited%20Financial%20Statements

- DeCA's contracting directorate routinely posts contracts to the DeCA reading room.

  ➢ https://corp.commissaries.com/our-agency/business-with-deca/contracting/recently-awarded-contracts

During the reporting period, many DoD Components publicized and highlighted these important disclosures for public awareness. In addition, most components also maintain a social media presence and report making announcements through various platforms, including Facebook, X (formerly known as Twitter), YouTube, Flickr, RSS feeds, LinkedIn, and blog posts.

The DoD Guidance Memo directed components to conduct a review of their public facing FOIA websites and FOIA libraries to identify improvements that could enhance the public's ability to navigate and identify records of interest. Fifty-six percent of DoD Components made efforts to make the posted information more beneficial to the public. Most of the components reported the websites were 508 Compliant and were easy to navigate. Finally, the components reported the documents posted were searchable.

The DoD Guidance Memo also directed components to identify and report on mechanisms outside of FOIA by which records may be accessed by the public. AIR FORCE, ASBCA, DFAS, JPRA, NSA, SPACECOM, and TRANSCOM identified categories of records that can be made readily accessible for private use without the requirement to file a FOIA or PA request.

- DFAS offers several systems to assist individuals in accessing their own records. For instance:

  ➢ The online MyPay system allows authorized individuals the ability to retrieve, review, and update payroll information from its specific payroll system(s).

  ➢ The MyInvoiceSystem enables contractors/vendors access to view invoice payment status; and to extract and compile data and reports required for DoD or other government agency internal and external management studies and statistical analyses.

  ➢ The Out-of-Service Debt Payment Status Tool is an online tool which is available on the pay.gov website. This site is accessible to current and former military and civilian employees who have out-of-service debt.

  ➢ The Check Voucher Status System provides civilian relocation travel payment status.

- JPRA allows returned Prisoners of War (POWs) and missing persons a one-time security clearance and provides them review access in a controlled environment to its respective debriefing files (transcripts, interrogations, and intelligence files).

- NAVY and ASBCA allow electronic access to posted court-martial summaries, command investigations, and contracts.

- ASBCA also proactively publishes judge biographies.

DoD Components also developed "best practices" to improve proactive disclosures. Some examples of best practices include:

- To improve proactive disclosures, DIA is implementing a program for systematic declassification review for records of permanent historical value exempted from automatic declassification. This process allows the Historians to submit historically significant declassified documents to be displayed on DIA's webpage to share with the public.

- EUCOM is currently consulting with their Knowledge Management (KM) team to explore improving proactive disclosures. The KM Team is the lead enabler and advocate to ensure the integration of KM principles and practices and the adoption of KM solutions within the organization's daily planning and operations. The KM principles and practices include data stewardship, continuous improvement, and knowledge and information sharing.

- DLA's best practice is transparency of new, controversial topics impacting the agency.

SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY

A key component of FOIA administration is technology. Technology assists in making information publicly available and FOIA processing more efficient. The AG FOIA Guidelines emphasized the importance of making FOIA websites easily navigable and complying with requirements for each DoD FOIA Program to become interoperable with the FOIA.gov website.

In FY 2023, approximately 56% of DoD Components reported they were continuing to identify technology best practices to improve overall FOIA efficiencies. Several components reported working with their case management systems to automate internal steps and processes, improve case visibility, and implement document release automation. Components also reported using e-Discovery tools to search for, and deduplicate emails. This feature is particularly useful with multiple email strings where unmodified original messages are repeated as the electronic conversation continued. Some DoD Components also engaged in document sharing platforms to expedite record processing and increase efficiency.

Per the 2022 DoD Guidance Memo, DoD tasked components to review their FOIA-related technology capabilities and identify resources needed to respond to current and anticipated FOIA demands. Seventy-six percent completed this review. Components also regularly reviewed their FOIA websites ensuring sites contain essential resources and are informative and user-friendly. In addition, during the last reporting period, PCLT-FD reviewed all DoD Component's FOIA websites and notified them of any discrepancies identified.

DoD posted all FY 2023 quarterly reports on time. The reports consist of FY 2023 information from all 34 DoD FOIA Program Components, and the data is available at https://www.foia.gov/data.html.

DoD also posted the Annual FOIA Report data used for compiling the current Annual FOIA Report. Current and previous report files are available at http://open.defense.gov/Transparency/FOIA/DoD-Annual-Reports-to-AG/.

DoD is researching the possibility of a Department-wide FOIA case management system. This system would provide consistency in how DoD FOIA offices track cases, maintain records, conduct internal consultations and referrals, and produce reports. The objective is to provide DoD FOIA Offices with more consistent technical support and improved efficiency in FOIA processing.

During this reporting period, 56% of DoD Components identified technology best practices to facilitate overall FOIA efficiency and appropriate security levels. For example:

- ARMY uses DoD SAFE to coordinate electronic Controlled Unclassified Information records and voluminous files. ARMY also revised its records management policy and storage practices for better organization and records retrieval.

- DCSA continues to leverage a joint, secure, and private library for all FOIA professionals to exchange and share information or requests. In addition, the case management system used by DCSA continues to grow its capabilities to provide a unified approach to case management and ad hoc reporting.

- DHA recently integrated the usage of an Electronic Document Review (EDR) service to assist with filtering duplicate pages and organizing records for redaction using Document Management.

- DoD OIG currently uses deduplicating software for emails. This deduplication capability is essential for requests that contain a voluminous amount of responsive email records. This capability decreased processing time.

- SOCOM received assistance from its Command's Chief Digital and Artificial Intelligence Office in creating data-visualization dashboards to increase FOIA awareness and knowledge and snapshots of current workloads for leadership oversight. SOCOM also sought options to improve review efficiency and capability by reducing duplicated efforts in redacting, sorting documents, and removing duplicated records.

- NSA is acquiring a document management system with an automated feature to deduplicate documents, provide metadata tagging, and include workflow functionality.

- OSD/JS purchased software to improve the process of manually reviewing email PDFs for responsiveness and to eliminate duplicates.

SECTION V: REMOVE BARRIERS TO ACCESS, IMPROVE TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOGS

The AG FOIA Guidelines instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs."

A. Remove Barriers to Access

DoD requested components identify record categories that are readily accessible for private use without filing a FOIA or PA request. Some components established alternative access means to first party requested records outside of the FOIA process. For instance:
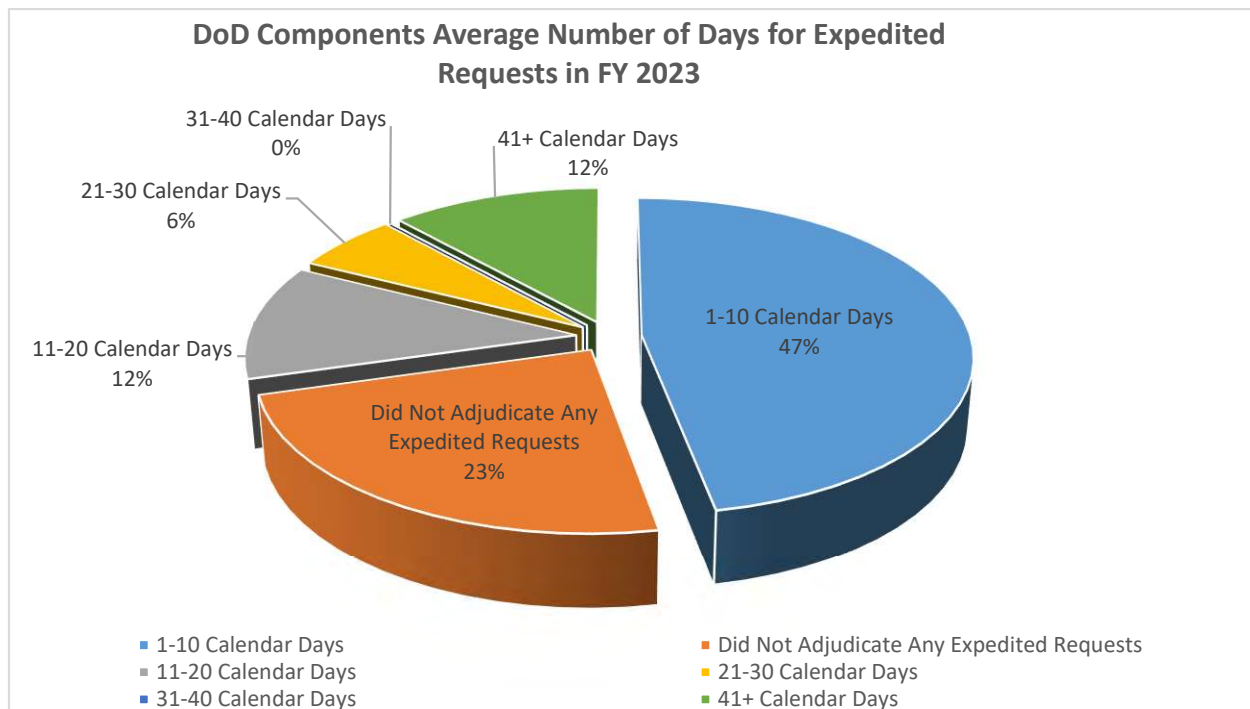
- DFAS established several systems to serve as an alternative first party request means.

  - One of these systems is AskDFAS. DFAS developed AskDFAS in-house to meet customer inquiries by providing access to timely and valuable information regarding professional finance and accounting services. This directional approach portal allows customers to locate answers to frequently asked questions, submit first-party requests, track financial inquiries, reduce call/email traffic, and communicate outside the network using secure methodology. AskDFAS is publicly available to identify and reach the necessary business line from any computer worldwide. This program eliminates unnecessary access to ePortal or other CAC-enabled systems and tracks customer inquiries from submission to closure. More information regarding AskDFAS can be found at https://www.dfas.mil/dfas/AskDFAS/.

- ARMY uses the Interactive Personnel Electronic Records Management System (iPERMS), an online request portal for first-person access. iPERMS is an authorized personnel records repository for ARMY's Military Human Resource Records.

B. Timeliness

In FY 2023, DoD received 60,109 requests and processed 55,731 requests for records under the FOIA. In FY 2022, DoD received 54,004 requests and processed 52,222 requests. DoD Components closed 63% of all perfected requests within 20 days in FY 2023.

All DoD Components use a separate track for simple, complex, and expedited requests. During this reporting period 27,149 requests were processed under the simple track in comparison to 22,192 in FY 2022. This was an overall increase of 6%.

The DoD simple request processing day average in FY 2022 was 39.61 days which decreased in FY 2023 to 28.38 days. Also, DoD closed 23,762 (87.5%) perfected cases in the simple track within 20 days. Considering that 49% of all FY 2023 perfected requests processed by DoD Components were in the simple track, most requesters had their FOIA cases resolved in fewer than 20 days.

DoD Components Average Number of Days for Expedited Requests in FY 2023

1-10 Calendar Days 47%

Did Not Adjudicate Any Expedited Requests 23%

11-20 Calendar Days 12%

21-30 Calendar Days 6%

31-40 Calendar Days 0%

41+ Calendar Days 12%

Legend:
- 1-10 Calendar Days
- 11-20 Calendar Days
- 31-40 Calendar Days
- Did Not Adjudicate Any Expedited Requests
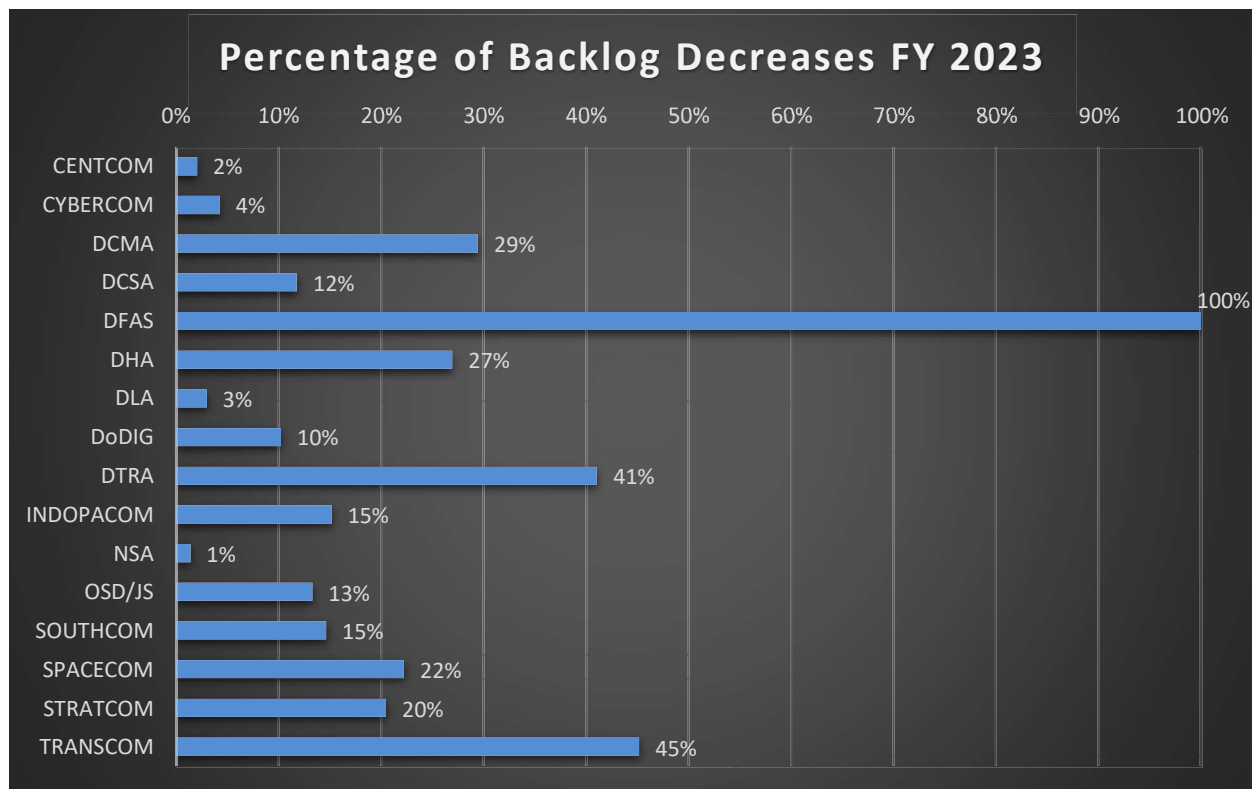- 21-30 Calendar Days
- 41+ Calendar Days

In FY 2023, the average number of days reported for adjudicating requests for expedited processing in DoD was 186.79. Of the 34 Component FOIA Programs, 23.5% reported not adjudicating any requests for expedited processing and 47% reported adjudicating requests within an average of ten-calendar days. This is a decrease from 56% adjudicating requests within an average of ten-calendar days in FY 2022. Eighteen components did not adjudicate these requests within a ten-calendar day average, attributing this delay to human error and lack of appropriate queue management.
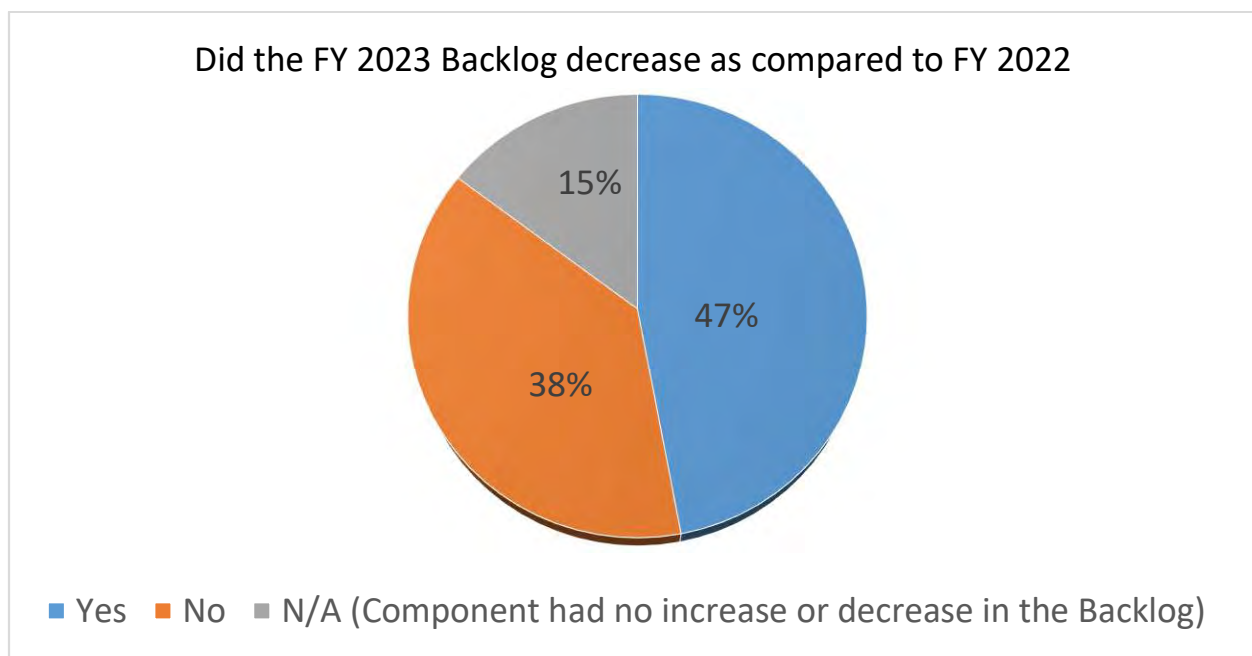
C. Backlogs

Backlogged Requests

Overall, the backlog increased by 7% in FY 2023. During this reporting period, DoD recorded a FOIA request backlog of 19,882, an increase from 18,567 reported in FY 2022. Although there was an increase in DoD's backlog, DoD processed 3,509 more cases than the previous year. DoD's overall percentage of requests that make up the backlog is 33%.
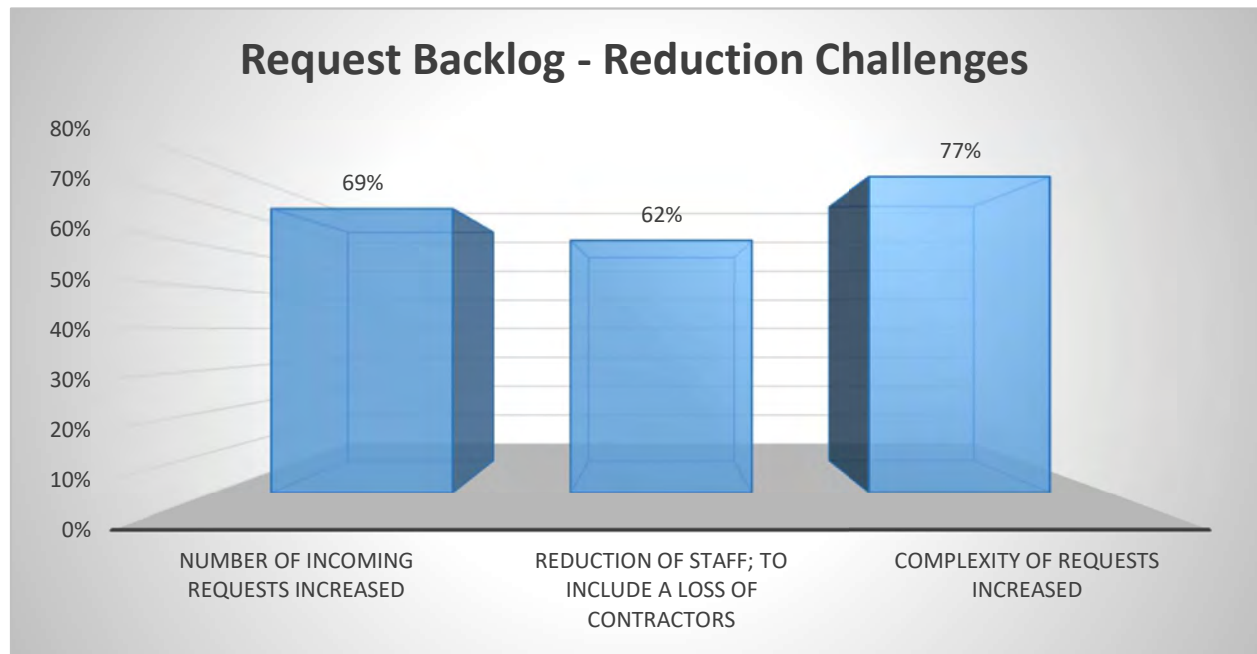
Compared to their FY 2022 backlog, 34% of components reported a decrease in backlog. In FY 2023, 38% of DoD Components reported an increased backlog. Of the 34 DoD FOIA Program Components, 15% had no request backlog at the end of FY 2023, while 47% reduced their backlog. Seven DoD Components had fewer than ten requests backlogged at the end of FY 2023.

Percentage of Backlog Decreases FY 2023

Component	Percentage
CENTCOM	2%
CYBERCOM	4%
DCMA	29%
DCSA	12%
DFAS	100%
DHA	27%
DLA	3%
DoDIG	10%
DTRA	41%
INDOPACOM	15%
NSA	1%
OSD/JS	13%
SOUTHCOM	15%
SPACECOM	22%
STRATCOM	20%
TRANSCOM	45%

Thirteen components were identified as having an increase in their backlogs. Out of the thirteen components, nine components (69%) determined the increased number of requests received was a factor in their backlog increase. Sixty-two percent reported that the execution of their backlog reduction plans was complicated by staffing losses, the inability to locate and hire qualified personnel, and difficulties with FOIA case management systems. Finally, 77% of the components experiencing an increased backlog stated case complexity was a factor.

Did the FY 2023 Backlog decrease as compared to FY 2022

- Yes 47%
- No 38%
- N/A (Component had no increase or decrease in the Backlog) 15%

In FY 2023, 47% of DoD Components decreased their FOIA backlogs. In FY 2022, 35% of DoD Components decreased their backlogs.

Request Backlog - Reduction Challenges

Category	Percentage
NUMBER OF INCOMING REQUESTS INCREASED	69%
REDUCTION OF STAFF; TO INCLUDE A LOSS OF CONTRACTORS	62%
COMPLEXITY OF REQUESTS INCREASED	77%

Last year, 13 components reported having no decrease in their backlog. Components reported a backlog increase for various reasons. The primary reason reported for the inability to reduce the backlog was the complexity of incoming requests. Other reasons included the continued impact of workplace and safety precautions and increased FOIA-related work volume. Some challenges noted included intake processes, responsive records searches, exemption applications, and the need for experienced personnel. Another significant impact of the backlogged cases was litigation.

Fifty-three percent of DoD Components have cases in litigation. Failure to respond to requests in a timely manner and inadequate searches are the most common causes of DoD litigations. Litigation subjected DoD Components to stringent court-ordered timelines and directly impacted their available resources for FOIA processing. For components that do not have dedicated FOIA litigation support teams, these litigation support activities have a critical effect on regular FOIA processing.

DoD FOIA professionals maintain a strong desire to assist the public in its efforts to find records of interest. Technology remains a driving force behind improving FOIA efficiencies; however, temporary setbacks with case processing, case management system failures, and litigation support efforts diverted resources from backlog reduction efforts. More specifically, DoD Components increased their support for litigation by performing additional duties such as executing additional searches and processing and creating Vaughn indices, declarations, and other required documents in response to litigation-driven deadlines.

Backlogged Appeals

The number of backlogged appeals decreased from 862 in FY 2022 to 736 in FY 2023, which is an overall reduction of 15% in FY 2023. DoD received 1,108 appeals during the fiscal year and processed 1,247. In FY 2022 DoD received 1,252 appeals and processed 1,257 appeals. Of the 820 appeals pending this year, 90% are identified as backlogged. Sixty-six percent of the backlog is made up of 736 appeals received by DoD in FY 2023.

Of the 34 DoD FOIA Program Components, 15 do not adjudicate appeals because the ATSD(PCLT) serves as their appellate authority. Of the remaining 19 components, 74% reported decreases or no appeal backlogs compared to 79% reported in FY 2022, which is a 5% improvement.

Four DoD Components experienced an increase in appeals backlog (AIR FORCE, ARMY, DIA, and NSA). These components report similar reasons for the backlog as they did for FOIA backlogs at the initial request stage, namely the increase of complexity and volume and the decrease in personnel, as depicted in the chart below.
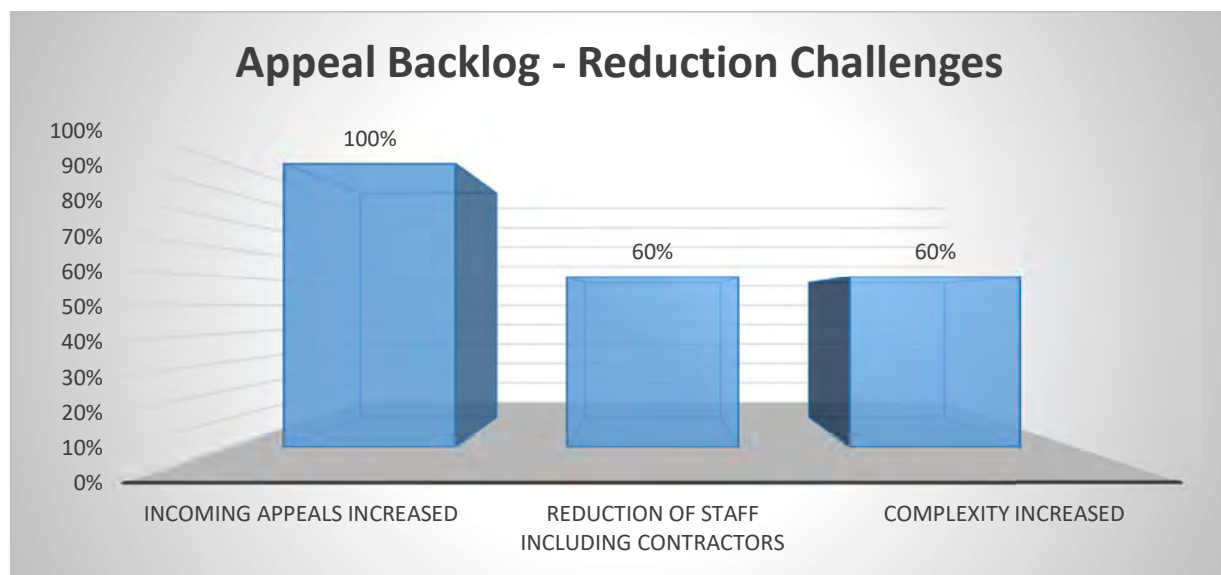
D. Backlog Reduction Plans

OATSD(PCLT) has undertaken several initiatives to support components in reducing their backlogs. As stated earlier, one of the most common challenges in processing FOIA requests and appeals is the reduction of staffing. OATSD(PCLT) has implemented a pilot program to offer contractor support to components that require assistance in processing FOIA requests. In addition, PCLT-FD has dispatched personnel to assist components. These personnel evaluate existing FOIA programs, reorganize and audit processes and procedures and train new FOIA Program Managers. OATSD(PCLT) has also established the DoD FOIA Best Practices Working Group to address concerns and share ideas on current FOIA issues. Finally, DoD is helping components reduce their backlogs by evaluating the quarterly, annual, and Chief FOIA Officer reports and providing various types of FOIA training for DoD personnel.

At the end of FY 2023, eight DoD Components, AIR FORCE, ARMY, CENTCOM, DHA, DIA, NAVY, NSA, and OSD/JS, had backlogs of more than 1,000 FOIA requests and initiated plans to reduce their respective backlogs in FY 2023. While CENTCOM, DHA, DIA, NSA, and

OSD/JS experienced a reduction in backlogs in FY 2023, AIR FORCE, ARMY, and NAVY backlogs increased. Three of the eight DoD Components reported that the execution of their backlog reduction plans was complicated by staffing losses, the inability to locate and hire qualified personnel, and difficulties with FOIA case management systems. Also, three out of the eight components experienced an increased backlog due to the complexity of FOIA cases. All eight components determined the increased number of requests received played a factor in the increase of their backlog. Additionally, components reported the following specific initiatives related to backlog reduction efforts:

- ARMY readiness starts by ensuring the ARMY develops and retains skilled FOIA personnel through general and specialized training events, professional development, and outreach to its commands with backlogs to identify the cause. ARMY identifies new FOIA Officers to ensure they receive standardized training for foundational case processing, as well as managing complex FOIA cases. Since designated FOIA Officers often manage multiple responsibilities at once, with FOIA being just one duty, standardized training ensures time dedicated to FOIA matters is more efficient and effective. The ARMY FOIA Office is increasing proactive disclosures from its FOIA offices and immediately uploads records to its online library. Its reform strategy is a bottom-to-top approach by encouraging a culture of customer service and communication with the requester, to include the need to rescope a request, ensuring FOIA Officers accurately review records in a timely manner to reduce appeal and litigation risk, and working with leadership to adopt and implement effective solutions to overcome the FOIA backlog. Finally, ARMY continues to focus on its top ten oldest requests and appeals.

- AIR FORCE hired and trained additional FOIA professionals to its workforce. These FOIA professionals will assist in significantly reducing its backlog.

- NSA continues to assign dedicated staff members to focus on backlogged cases and is trying to acquire additional personnel to support its overall FOIA/PA mission.

- OSD/JS is actively supporting its subcomponents by providing reviews and resources, both human and technological. The organization is continuously improving its processes to ensure that cases are processed efficiently. Senior leadership is closely involved in supporting OSD/JS procedures, such as sending memorandums to subcomponent leaders, in an effort to improve timelines.

- CENTCOM acquired additional resources to increase its processing capabilities. CENTCOM began developing an automation system that will expedite significant portions of the FOIA process and reduce response times. Also, CENTCOM prioritized all litigations, consultations, and cases by the fiscal year. Finally, CENTCOM implemented rolling releases to cases with large numbers of records to reduce the wait time of the requester.

- During FY23, DHA put into effect a plan to reduce the backlog in its workflow. The plan involved evaluating the skill level and workflow of the analysts. The analysts were then assigned to a processing track that aligned with their skill level--either Simple or Complex. Additionally, DHA identified simple requests that did not require further coordination for records search and review. DHA performed a backlog review on cases

spanning 2017-2022. Finally, DHA focused on its oldest cases and is working with the Office of General Counsel to close them.

- NAVY established a five-year backlog reduction plan. Several of initiatives within the plan have been accomplished, while other initiatives to the plan are still being implemented.

- DIA continues to mature its case management processes and improve the professional skills of its analysts. DIA established a new onboarding process for new analysts, including weekly progression meetings to assess every step of each case the new analysts are working on. DIA also continues to meet monthly with its veteran case analysts to discuss processing steps. This meeting provides a mechanism to address any challenges and allows the Branch Chief to identify and intercede in any obstacles causing stagnation in case processing.

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

TEN OLDEST REQUESTS

In FY 2023, DoD closed eight of its overall ten oldest FOIA requests, and several DoD FOIA Program Components successfully closed all or some of their ten oldest requests:

- DISA, DoDEA, DoD OIG, and OSD/JS closed all ten oldest requests.

- DFAS and EUCOM closed all nine of their oldest requests.

- DCSA, DIA, DTRA, and TRANSCOM closed nine out of ten oldest requests.

- DCMA and SPACECOM closed eight out of ten oldest requests.

- DHA closed seven out of ten oldest requests.

- CYBERCOM, NSA, and STRATCOM closed six out of ten oldest requests.

- INDO-PACOM closed five out of ten oldest requests.

- ARMY, CENTCOM, and NAVY closed four out of ten oldest requests.

- AFRICOM closed three out of ten oldest requests.

- JPRA closed three out of five oldest requests.

- DLA, NGA, NGB, NORTHCOM, NRO, and SOCOM closed two out of ten oldest requests.

- DeCA closed two out of two oldest requests.

- AIR FORCE and SOUTHCOM closed one out of ten oldest requests.

- DTIC closed one out of one oldest request.

In FY 2023, DoD closed nine of its ten oldest appeals. Of the 19 DoD Components that process appeals, 5 reported backlogged appeals at the end of FY 2023 and 6 reported no outstanding appeals at the end of FY 2023. Several components successfully closed many of their 10 oldest appeals.

- NAVY and OSD/JS closed all ten of its oldest appeals.

- DCSA and DIA closed seven out of ten oldest appeals.

- NSA closed six out of ten oldest appeals.

- DTRA closed four out of six oldest appeals.

- ARMY and DHA closed three out of ten oldest appeals.

- DoD OIG closed three out of four oldest appeals.

- AF closed one out of ten oldest appeals.

- NGA closed one out of five oldest appeals.

- DLA closed one out of one oldest appeal.

In FY 2023, DoD closed all ten of the Department's oldest consultations. Of the 34 DoD Components, 12 reported no outstanding consultations at the end of FY 2023. Several components succeeded in closing some or all of their ten oldest consultations:

- ARMY, DIA, NSA, and OSD/JS closed ten out of ten oldest consultations.

- CENTCOM closed nine out of ten oldest consultations.

- DTRA closed eight out of ten oldest consultations.

- SOUTHCOM closed six out of eight oldest consultations.

- NORTHCOM closed six out of six oldest consultations.

- NAVY, NGA, and STRATCOM closed five out of ten oldest consultations.

- TRANSCOM closed three out of three oldest consultations.

- AIR FORCE closed two out of ten oldest consultations.

- CYBERCOM, DLA, and DoD OIG closed two out of two oldest consultations.

- AFRICOM closed one out of five oldest consultations.

- DHA, INDO-PACOM, and SPACECOM closed one out of one oldest consultation.

During FY 2023, DoD focused on reducing the overall age of the backlog by concentrating on closing the ten oldest requests, appeals, and consultations. Some offices instituted bi-weekly meetings with appellate authorities to discuss processing efficiencies and applied additional resources to close more than the ten oldest, if possible. Components also actively followed up with status inquiries to sub-components for EDC.

The DoD Components that did not close the ten oldest pending requests or consultations comprising the overall DoD oldest cases, described a variety of methods for improved efforts. The methods identified include restructuring the responsibilities of FOIA personnel, closely monitoring metrics, increasing the frequency of status checks, continued focus on prioritizing the oldest requests for processing and closure and augmentation of personnel to support FOIA. The remaining components with ten oldest pending requests, appeals, and consultations described similar strategies for regularly contacting agencies holding these older consultations.

F. Additional Information about FOIA Processing

During FY 2023, several DoD Components had requests involving unusual circumstances as defined by the FOIA. Forty-one percent of DoD Components reported having cases requiring searches for records from field facilities or other locations. Fifty-three percent of DoD Components needed to search, collect, and examine voluminous records. Fifty-three percent of DoD Components consulted with another Federal agency, or among two or more components of an agency. Twenty-nine percent reported not having any cases involving unusual circumstances.

Only one component reported having "other" types of unusual circumstances. ASBCA reported several cases requiring the submitter to substantiate its position that material should be withheld or to agree that documents are not confidential before moving forward with the release.

Request Received that Involved Unusual Circumstances
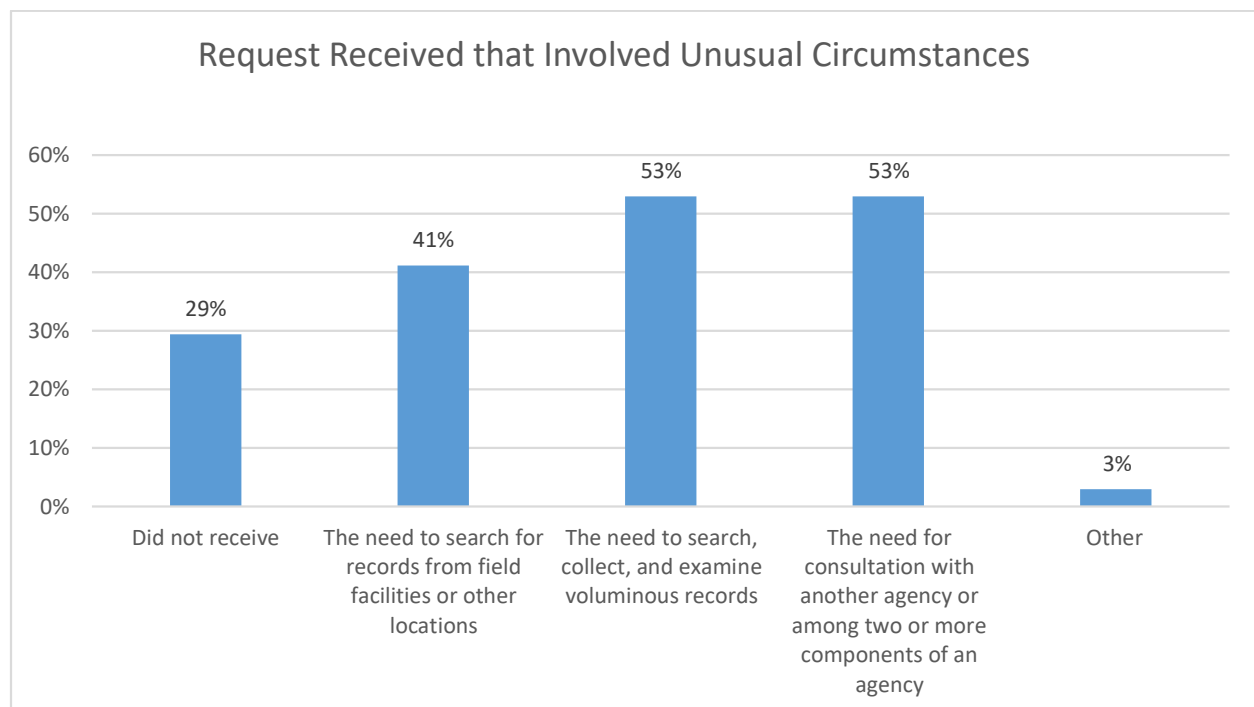
SECTION VI: SUCCESS STORIES

Since March 2023, DoD and the DoD FOIA Program Components undertook numerous activities to increase transparency. DoD remains steadfast in its administration of the FOIA, commitment to sustainable training, and outstanding customer service. Achieving these important goals across all DoD Components are furthered by purposeful action at all levels. For example:

- The AIR FORCE created a FOIA Leadership Collaboration Group. This group consists of all FOIA leads across the AIR FORCE. The collaboration group meets weekly to discuss challenges, best practices, and hot topics.

- ASBCA has processed several FOIA requests within 20 business days by implementing a process that actively engages the requester and outside organizations. First, ASBCA personnel immediately reach out to the requester, upon receipt of a request. Commonly, this engagement is over the phone the same day the request is received or shortly after that. ASBCA talks to each requester to better understand what documents they seek, explain the FOIA process and answer any questions they may have. Because of these conversations, ASBCA can commonly narrow the request to the specific document(s) that will satisfy the requester and help reduce anticipated fees.

- CYBERCOM will be creating a mandatory FOIA training requirement for all new and current CYBERCOM FOIA staff. They continue chipping away at their oldest cases on an annual basis and reach out to all CYBERCOM staff regularly through Lunch & Learns, via reference tools/guidance that are shared via various mediums, and by visiting with other Directorates at the Command to educate their staff about the FOIA responsibilities, which has yielded excellent results.

- DCAA continues posting agency instructions and manuals on its agency's public website. DCAA also posts the agency's listing of contractors being audited. This posting informs the public and has reduced the processing of FOIA requests for this listing.

- DCSA organizes and aligns their FOIA offices to increase efficiencies and enhance customer service response times. The DCSA FOIA and Privacy Office is primarily responsible for responding to human resources or hiring action records, IG records, statements of work or contracts, Diversity and Equal Opportunity records, etc.

- This past fiscal year, DoD OIG successfully converted from its case management system sunsetting deadline. The transition required significant and sustained coordination and effort by various agencies and several offices within DoD OIG. Achieving the goal of implementing a new case management system on time and within budget is a testament to the competency of the individuals involved in this endeavor. With the expertise of these individuals and the effort they put forth, this transition was possible. Despite this complete system transition, the FOIA Office achieved a 10% backlog reduction on initial requests and closed out all but one of its oldest appeals.

- DTIC frequently contacts FOIA requesters and reduced the time to respond to FOIA requesters by refining its search requests and providing them with the requested information. This process has resulted in better customer service and a better product to

the requesters and helped keep the average processing time within the required timeframe.

- NRO spearheaded the limited declassification of PARCAE as a signals collection satellite. PARCAE was a Low Earth Orbit (LEO) signal collection satellite program which was developed by the Naval Research Laboratory (NRL) as part of the NRO's Program C and was launched in 1976. The Director of the NRO formally approved and signed the declassification memorandum on July 25, 2023, making this now a publicly acknowledged program.

- NSA had no remanded appeals in FY 2023 and closed six of the top ten oldest FOIA requests. They also closed 180 backlog cases that were seeking the same type of information. Based on the circumstances surrounding these 180 cases, they established a precedent for future processing of cases associated with the same noted information, thereby being consistent with their requesters while balancing the need to protect the agency's equities. The FOIA office has taken steps to increase FOIA knowledge/awareness for the entire component by making awareness training mandatory by the third quarter of FY 2024.

- The OSD/JS brought in a Business Process Improvement Team, which validated the assumption that 97% of the work to be done was outside of the FOIA Office and being worked by offices holding the records for search and review, and 3% was held in-house (within the OSD/JS FOIA Office). This brought forth the initiative to assist offices with returning the packages. In July 2023, the OSD/JS FOIA Office determined all taskers were still open within the component offices, emphasizing the return of that tasker would result in a closure of a FOIA request versus just another closure of a tasker.

- OATSD(PCLT) closed the oldest 30 appeals and reduced the appeal backlog by 16%.

- Overall, the DoD FOIA Program Components continue to showcase a commitment to the principles of openness through the processing of 55,731 FOIA requests during FY 2023. Given the often-complex nature of requests submitted to DoD, and the extraordinary mission of protecting American assets at home and abroad, it is truly remarkable that over 84% of all received requests were processed in fewer than 100 days.