Summary of Agency Chief FOIA Officer Reports for 2023
and
Assessment of Agency Progress in FOIA Administration
with
OIP Guidance for Further Improvement

Introduction

The Freedom of Information Act (FOIA) requires each agency Chief FOIA Officer to "review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing [the FOIA]."[1] Each year, the Department's Office of Information Policy (OIP) provides guidance to agencies on the content of these reports. As in prior years, after reviewing all agencies' 2023 Chief FOIA Officer Reports, as well as their Fiscal Year (FY) 2022 Annual FOIA Reports, OIP has prepared a brief summary of agency progress over the past year.

Based on its review, OIP has also conducted a detailed assessment of all agencies subject to the FOIA that received more than 50 requests, scoring each one on multiple milestones. A visual snapshot of this assessment is provided in Figure 1 below. While all of these agencies had the same reporting guidelines, OIP continued to separately assess different milestones for the twenty-seven high-volume agencies receiving more than 1,000 requests and the thirty-eight medium-volume agencies receiving between 51-1,000 requests. Based on its review, OIP has also issued guidance to agencies for continued improvement in the years ahead.
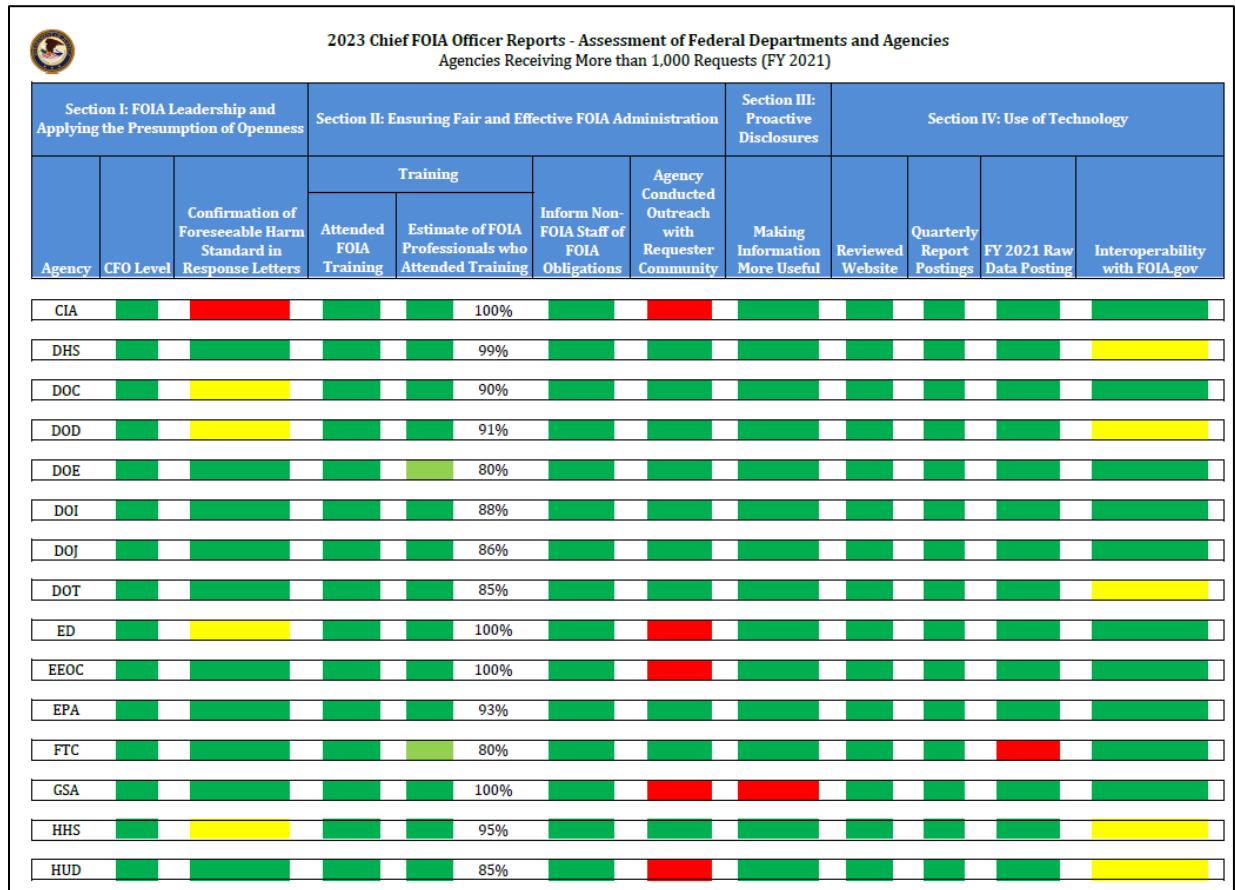

Figure 1: 2023 Chief FOIA Officer Reports - Assessment of Federal Departments and Agencies

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Summary of Agency Progress Based on 2023 Chief FOIA Officer Reports

The 2023 Chief FOIA Officer Reports address agency efforts to improve FOIA administration in five key areas: (1) FOIA leadership and applying the presumption of openness, (2) ensuring fair and effective FOIA administration, (3) proactive disclosures, (4) utilizing technology to improve efficiency, and (5) removing barriers to access, improving timeliness, and reducing backlogs. For 2023, the key areas were updated from prior years to reflect the Attorney General's 2022 FOIA Guidelines. The summary below focuses on the successes achieved by agencies in each of these five key areas. Agencies and members of the public are encouraged to review the individual 2023 Chief FOIA Officer Reports for even more detail on the successes achieved this past year in these five key areas. The Chief FOIA Officer Reports are accessible from the Reports page of OIP's website or from each agency's FOIA website.

Section I: FOIA Leadership and Applying the Presumption of Openness

The first section of agencies' 2023 Chief FOIA Officer Reports addresses the importance of agency leadership in ensuring effective FOIA administration and steps taken by agencies to apply a presumption of openness. Agencies described a wide range of efforts in this area, including senior level oversight by the agency's Chief FOIA Officer, providing substantive FOIA training to agency FOIA professionals, engaging in outreach with the requester community, and ensuring non-FOIA professionals are aware of their obligations under the FOIA.

Chief FOIA Officer Designation

The FOIA requires each agency to designate a Chief FOIA Officer (CFO) who is a senior official at the Assistant Secretary or equivalent level.[2] The Department of Justice (DOJ) reinforced this requirement in January 2019 by issuing a memorandum to all agency General Counsels and CFOs about the importance of designating CFOs at the appropriate level. The CFO is charged with "agency-wide responsibility for efficient and appropriate compliance" with the FOIA.[3]

In keeping with the FOIA's requirements, agencies reported, and were assessed, on whether their CFO is at the Assistant Secretary or equivalent level. All sixty-five agencies receiving more than fifty requests reported that their CFO was at the appropriate level.

> "For more than fifty years, the Freedom of Information Act (FOIA), 5 U.S.C. § 552, has been a vital tool for ensuring transparency, accessibility, and accountability in government."
>
> -- Attorney General's 2022 FOIA Guidelines

Incorporating FOIA Into Core Agency Mission

New for 2023, OIP asked agencies to describe steps taken to incorporate FOIA into their core missions. Approximately, fifty-seven agencies reported taking steps to do so. For example:

- National Archives and Records Administration (NARA) notes in its strategic plan that "[b]y FY 2026, 95 percent of customer requests will be ready within the promised time."

- Department of Housing and Urban Development (HUD) incorporated FOIA actions and milestones into the HUD Annual Performance Plan.

- Department of Defense (DOD)/Defense Intelligence Agency (DIA) consolidated the Office of Oversight and Compliance, Records Management, Declassification, and FOIA programs into a unified office under the DIA Chief of Staff, signaling its commitment to modernizing and

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[2] 5 U.S.C. § 552(j)(1) (2018).
[3] *Id.* at § 552(j)(2)(A).

improving the management of the full lifecycle of agency data and ensuring the obligation to share information with the public is met.

- DOJ's Strategic Plan for Fiscal Years 2022-2026 states that the FOIA should be read generously as part of efforts to reaffirm and strengthen policies foundational to the rule of law. One of the key performance indicators for this goal is the ratio of backlogged to incoming FOIA requests.

Foreseeable Harm Standard

The Attorney General's 2022 FOIA Guidelines provide 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." Accordingly, OIP asked agencies to confirm whether they provide this confirmation in response letters. Fifty-two agencies responded that they notified requesters that they considered the foreseeable harm standard in response letters. Seven agencies reported that some, but not all, of their components notified requesters that they considered the foreseeable harm standard in response letters. Six agencies responded that they did not notify requesters that they considered the foreseeable harm standard in response letters. Of those, two agencies indicated that they will notify requesters that they considered the foreseeable harm standard in response letters in the future. OIP has advised all agencies that are not addressing the foreseeable harm standard in their response letters to do so as soon as possible.

Glomar (Neither Confirm nor Deny) Responses

New for 2023, OIP asked agencies about their use and tracking of Glomar responses. If acknowledging the existence of records would harm an interest protected by a FOIA exemption, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records. This is commonly referred to as a Glomar response. In 2023, 34 medium and high-volume agencies reported some or all of their components tracked Glomar responses. Agencies that track their use of Glomar responses reported issuing approximately 432 full or partial Glomar responses during the reporting period. Exemption 6 and 7(C) were among the most frequently cited exemptions. Of the thirty-one agencies that did not track the use of Glomar responses, many noted that technical changes to the agency's case management system would allow the agency to track the use of Glomar responses in the future.

Other initiatives to Ensure the Presumption of Openness is Applied

Finally, several agencies provided other examples of initiatives designed to ensure the presumption of openness was applied. The Office of the U.S. Trade Representative (USTR) FOIA Office asks program offices that review records responsive to a request to document in writing how the release of certain material would cause foreseeable harm, which the USTR FOIA Office summarizes in its response letters. Merit Systems Protection Board raised awareness about the FOIA by sharing trends in FOIA processing and explaining how the trends relate to agency programs or initiatives, during inter-office meetings. Social Security Administration (SSA) updated its website in multiple places to encourage requesters to review publicly available records.

Section II: Ensuring Fair and Effective FOIA Administration

The Attorney General'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 also reinforce longstanding guidance to "work with FOIA requesters in a spirit of cooperation." The Attorney General 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. In their 2023 Chief FOIA Officer Reports,

agencies provided details on various efforts related to FOIA training, outreach, and other initiatives, such as the allocation of agency resources to FOIA administration.

FOIA Training for FOIA Professionals

A proper understanding of the FOIA, including the correct application of both FOIA law and policy, is a key element of applying a presumption of openness. Many agencies made significant efforts this past year to provide substantive FOIA training to their personnel. As in previous years, nearly all medium and high-volume agencies ensured that the majority of their FOIA staff received substantive FOIA training during the reporting period. Overall, twenty-five out of twenty-seven high-volume agencies scored dark green for reporting that greater than 80% of their FOIA professionals attended substantive FOIA training. While this metric was not scored for medium-volume agencies, thirty-seven out of thirty-eight medium-volume agencies reported that greater than 80% of their FOIA professionals attended substantive FOIA training. Examples of the different types of training provided include:

- Department of State (DOS) ran a FOIA Bootcamp to serve as a primer for its FOIA employees. The bootcamp included an overview of the FOIA, the history and structure of the FOIA, FOIA exemptions and exclusions, practice exercises, and an overview of resources to further employees' professional growth and development.

- Export-Import Bank (EXIM) hosted three live, virtual FOIA trainings that were available to all EXIM employees. The training discussed FOIA administration and included topics such as: what is the FOIA; who can file a FOIA request; and fee categories.

- Environmental Protection Agency launched a centralized FOIA training committee to review and strengthen the training provided throughout EPA's decentralized FOIA processing program.

- United States Postal Service (USPS) solicited FOIA questions from FOIA coordinators and scheduled quarterly conference calls to address those questions, providing an informal training opportunity with smaller groups of participants.

- Consumer Financial Protection Bureau's (CFPB) FOIA Manager briefed senior leaders on the FOIA and regularly met with CFPB's leadership, the Chief Data Officer, the Legal Division, and Office Legislative Office staff to keep them updated of all issues or potential issues related to FOIA.

Additionally, OIP asked agencies to specifically describe the efforts taken to ensure proper FOIA training was made available and used by agency personnel. In response, agencies reported measures such as incorporating FOIA training into the onboarding process, holding annual refresher training, and incorporating FOIA training into individual performance plans.

Finally, many agencies reported that their FOIA professionals attended government-wide FOIA training provided by DOJ. OIP continued to offer virtual courses to enable maximum attendance as agencies transitioned back to in-office and work. OIP offered shorter topical workshops more frequently throughout the year, rather than the full or multi-day trainings OIP has traditionally offered in-person. The virtual setting also expanded the capacity for agency participation with respect to the both the number and geographic location of attendees, which had been limited by physical space in the past. Between March 2022 and March 2023, over 7,900 individuals registered to attend OIP-led virtual training sessions.

Efforts to Inform Non-FOIA Professionals of their FOIA Obligations

The Attorney General's 2022 FOIA Guidelines emphasize the Department's longstanding declaration that "FOIA is everyone's responsibility." Support from agency leadership and all agency employees is indispensable to ensuring that FOIA professionals can efficiently process and respond to requests. Accordingly, OIP asked high and medium-volume agencies to include in their 2023 Chief FOIA Officer Reports a description of their efforts to inform non-FOIA professionals of their obligations under the FOIA. Additionally, agencies were asked whether senior leaders were briefed on agency FOIA resources, obligations, and expectations. For 2023, all sixty-five agencies receiving more than fifty requests reported informing non-FOIA professionals of their obligations under the FOIA. Agencies also provided a wide range of examples of their efforts to inform non-FOIA professionals of their obligations under the FOIA. For instance:

- Many agencies, such as Department of Transportation (DOT), Election Assistance Commission, Department of Education (ED), and Federal Election Commission provided an overview of FOIA responsibilities during new employee training.

- General Services Administration (GSA) briefed its senior leadership on the importance of tracking FOIA-related metrics, efforts to improve processing automation, and anticipated resource needs with the sunset of GSA's case management system.

- DOD/Office of the Secretary of Defense hosted a Senior Administrative Officers' Forum providing the current state of FOIA; the number of requests pending within its organizations; FOIA expectations under the law; and what is needed to assist in answering FOIA requests.

- Department of Homeland Security's (DHS) Chief Privacy Officer and Chief FOIA Officer facilitated a bi-weekly briefing on FOIA obligations to all incoming political appointees.

- United States Department of Agriculture (USDA)/Office of Information Affairs (OIA) participated in subcabinet and other appointee meetings by providing FOIA best practices. Additionally, USDA/OIA created and posted a one-page FOIA guide in its FOIA resources library.

- DHS/Transportation Security Administration conducted FOIA training upon request for airports and program offices regarding the FOIA process.

Outreach

Agencies also described how they are engaging with requesters and civil society organizations to improve requester services and facilitate greater access to records. Twenty-one high-volume agencies conducted outreach that went beyond the regular communication that takes place within the FOIA request and appeal process. For example:

- CFPB's Public Liaison reached out to frequent requesters to learn about their utilization of FOIA proactive disclosures during a "Design Sprint" which sought to improve the submission of FOIA requests and navigation of the CFPB's FOIA Library.

- Department of Commerce (DOC)/Bureau of Industry and Security (BIS) proactively engages with requesters by offering them information that is frequently requested such as aggregate export license reports which are fully releasable.

- Department of Health and Human Services (HHS)/Centers for Medicare and Medicaid Services (CMS) used a web conferencing platform to provide an overview of a new request portal with various requester groups. As part of the overview, CMS provided an online training demo to walk through the process for submitting requests. CMS also developed

communication tools to explain how to access and submit requests through the National FOIA.gov portal, which interfaces with CMS' internal request management system. CMS notes that the outreach efforts have improved FOIA administration and have been well received by the requester community.

- USPS hosted two conference calls with the public that included an introduction to the FOIA and instructions on how to submit a proper FOIA request. Additionally, members of the public had the opportunity to ask questions during the conference calls.

Additionally, new for 2023, OIP asked agencies whether, as part of the standard request process, their FOIA professionals proactively contacted 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. During the reporting period, all sixty-five agencies surveyed reported proactively contacting requesters as part of the standard request process concerning complex or voluminous requests.

Requester Services

Agency FOIA Public Liaisons and FOIA Requester Service Centers assist requesters by informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Public Liaisons to assist requesters in resolving disputes and requires agencies to notify requesters about the services provided by each agency's FOIA Public Liaison in their response letters.

OIP asked agencies to provide estimates of how often requesters sought assistance from their FOIA Public Liaisons. As illustrated in Figure 2, of the sixty-five agencies receiving more than fifty requests, thirty-one received ten or fewer requester inquiries to their FOIA Public Liaison during the reporting period. Fourteen agencies received 11-100 inquiries, another fourteen agencies received 101-1,000 inquires, and six agencies received over 1,000 inquiries.
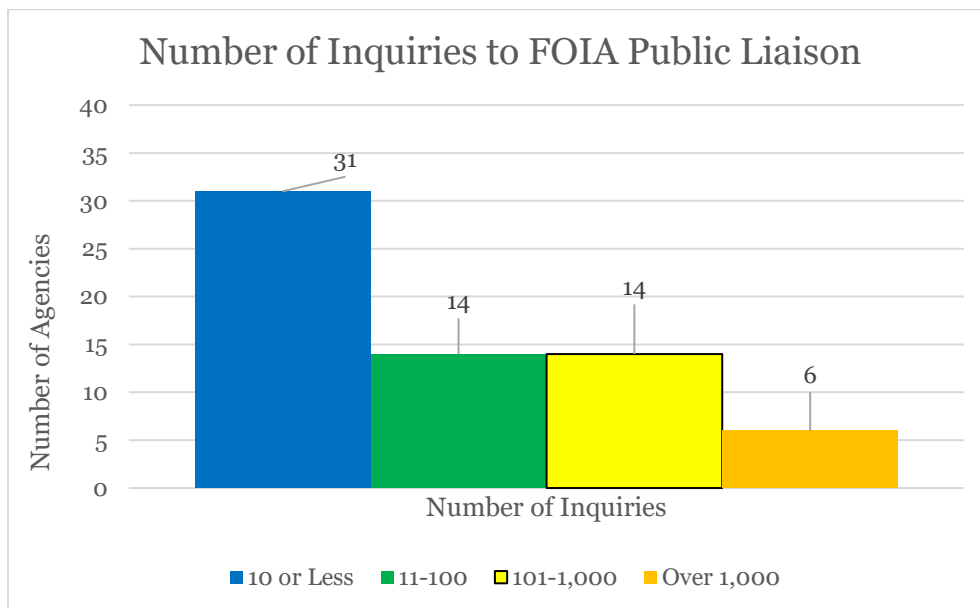

Figure 2: Number of Inquiries to FOIA Public Liaison

Allocation of FOIA Personnel Resources Required to Meet FOIA Demand

For 2023, OIP asked agencies whether they evaluated their personnel resources needed to respond to current and anticipated FOIA demands. Agencies provided a variety of answers in response. For example:

- Federal Trade Commission (FTC) noted a 17% increase in the number of incoming requests and an increase in overdue requests. In response, FTC conducted additional training for agency senior managers and other non-FOIA staff who facilitate record searches in agency divisions or offices. FTC's efforts helped alleviate some of the internal bottlenecks that typically clog FOIA staff's complex request dockets.

- HUD hired FOIA contract support to supplement HUD's federal staff. In addition, HUD has budgeted for additional staff in FY23.

- DOT/Federal Motor Carrier Safety Administration statisticians reviewed the agency's FOIA data and noticed a 143% increase in received requests. The analysis showed that to keep up with its incoming requests, at least 3 additional Full Time Employees (FTEs) needed to be added. FMCSA is restructuring the FOIA Division and adding 5 FTEs in FY23.

- GSA converted the FOIA Program Manager position from non-attorney to attorney to fully integrate the FOIA program into Office of General Counsel and to improve the program's performance. Additionally, GSA is adding contractor support to fulfill both ongoing and surge capacity needs.

FOIA Data and Processing Metrics

Finally, OIP asked agencies to describe how they used data or processing metrics to ensure efficient management of their FOIA workload. Among other things, data processing metrics can help identify areas for improvement and appropriate distribution of resources. For 2023, agency examples include:

- Pension Benefit Guaranty Corporation (PBGC) used data metrics to identify topics for additional training.

- HUD issued a monthly Department-wide FOIA dashboard report that FOIA leadership and program offices used to help close overdue requests.

- HHS/Office of the Secretary (OS) included processing metrics in staff performance plans. OS FOIA also used weekly, monthly, quarterly, and reports to track closures and balance analyst workloads.

- Department of the Treasury/Departmental Offices (DO) leveraged data to validate challenges and identify areas for improvement as part of a FOIA review project. This helped DO identify parts of the FOIA workflow that did not add value to the overall quality of responses or response times, enabling the FOIA team to eliminate those steps.

Section III: Proactive Disclosures

The Attorney General's 2022 FOIA Guidelines emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines explain that "[i]n making proactive disclosures, agencies should post records online as soon as feasible." "Agencies should also continue to maximize their efforts to post more records online quickly and systematically in advance of any public request." Finally, the Guidelines reiterate that agencies should post records "in the most useful, searchable, and open formats possible." In their 2023 Chief FOIA Officer Reports, agencies provided examples of material they proactively disclosed during the

reporting period, including records requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D).

Steps to Identify, Track, and Post (a)(2) Proactive Disclosures

OIP asked agencies to describe the steps taken to identify, track, and post (a)(2) proactive disclosures. Agencies reported a variety of examples in response:

- HUD worked with its system contractor to create a field in the case management system that users can flag as a proactive disclosure.

- DOT added proactive disclosures to its performance standards and tracked proactive disclosures through individual accomplishments.

- National Aeronautics and Space Administration (NASA) routinely releases information that has the potential to generate significant media, public interest, or other inquiries. NASA publicizes the releases through tweets, program-sponsored events, and interviews.

- National Transportation Safety Board provides a publicly available search tool that contains factual reports and evidence that investigators consider in developing a probable cause.

Examples of Proactively Disclosed Material

In 2023, OIP asked agencies to provide examples of any material that has been 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). Agency examples include:

- ED posted resources for communities seeking to provide educational services to immigrant students, including asylees and refugees. The materials included a newcomer toolkit designed to help teachers, principals, and other school staff who work directly with immigrant students and their families.

- Peace Corps posted country impact studies, policies, reports, and statistical information on its Open Government page. Visitors can organize search items into categories based on report type, report topic, year, and country.

- Council of Inspectors General on Integrity and Efficiency (CIGIE) proactively posted in its FOIA Library three pieces of correspondence between CIGIE and members of Congress.

- Office of Science and Technology Policy posts staffing lists, calendar entries, Requests for Information (RFIs) and responses to those RFIs.

- Office of the Director of National Intelligence posted declassified National Intelligence Council assessments and reporting on unidentified ariel phenomena.

- SSA released data on disability applications, training materials, representative payee information, records management self-assessments, and consultative examiner oversight reports.

- Office of Government Ethics released ethics program reports which contain reviews of agency ethics programs and recommendations for improvement if deficiencies are found.

- Board of Governors of the Federal Reserve System posted its Financial Stability Report, which summarizes the Board's current assessment of the stability of the U.S. financial system.

- DOJ/Office of Justice Programs posted lists of funding awards from the Bureau of Justice Assistance, the National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime.

Making Posted Information More Useful

In March 2015, OIP issued guidance for proactive disclosures that details various methods for disclosure, including the importance of ensuring that information is posted in the most usable formats. In August 2022, OIP issued additional guidance to agencies on the timing and format of proactive disclosures, including encouraging agency FOIA offices to collaborate with their data, IT, and program office subject matter experts to post information in the most useful formats and locations on their websites. In 2023, sixty-one of sixty-five medium and high-volume agencies reported that they took steps to make posted information more useful to the public.

Many agencies use different strategies for proactive disclosures tailored to serve the community of individuals who visit their websites most frequently. Some examples of steps agencies have taken to make information more useful include:

- DOC/National Institute of Standards and Technology, in addition to providing public access to narrative publications from its research, developed an infrastructure to support collection of metadata in an inventory and archive of the research products in machine-readable, machine-actionable formats in a secure repository.

- SSA simplified document titles to clarify what documents are easily searchable once posted. Most of our documents are posted as searchable pdfs or excel spreadsheets. SSA began an ongoing project in 2017 to update its FOIA website to make it more organized and user friendly.

- USDA/Food Safety and Inspection Service included data dictionaries with its proactively posted data sets. The dictionaries help the public understand how to use, filter, and in some cases calculate the data for specific results.

- DOT published a vehicle recall spotlight page which featured an abstract list of affected vehicles and interactive visual charts along with a frequently asked questions for consumers. DOT updates the page as new information becomes available.

- Environmental Protection Agency (EPA) updated and added new capabilities to EJScreen, the Agency's public environmental justice (EJ) screening and mapping tool. EJScreen combines environmental and socioeconomic information to identify areas overburdened by pollution. EJScreen 2.1 includes the addition of new data on US territories, threshold maps which provides a cumulative outlook, and supplemental indexes providing additional socioeconomic information.

Collaboration with Agency Staff Outside of FOIA Offices

In 2023, OIP asked agencies whether their proactive disclosure process or system involved collaboration with agency staff outside the FOIA office, such as IT or data personnel. If so, OIP asked agencies to describe the interaction. Examples of collaboration include:

- Commodity Futures Trading Commission (CFTC) collaborated with its Office of Public Affairs on a new initiative called the "Knowledge Hub." The effort is intended to elicit feedback from the public that will allow CFTC to better anticipate the types of proactively disclosed information that would most benefit the public.

- [Department of Treasury (Treasury)](#)/Bureau of Engraving and Printing (BEP) coordinated with its Office of External Relations to assist with publishing records on BEP's social media accounts.

- [DOD](#)/Education Activity collaborates with its procurement division to proactively post contracts to its website.

- [Department of Energy (DOE)](#) collaborated with record holders and IT personnel regarding information of interest to the public and the best ways to publish information. DOE utilized information regarding the number of visitors to a site and to assist with determining information of interest to the public.

Section IV: Utilizing Technology to Improve Efficiency

Agencies continue to use advanced technology to make more information available online, improve their websites, and assist in their overall FOIA administration. Each year, OIP asks agencies to describe the steps they have taken to greater utilize technology in their FOIA administration. OIP refines the questions in this section as the use of technology evolves. The [Attorney General's 2022 FOIA Guidelines](#) emphasize in particular the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](#) interoperability requirements. The FOIA Improvement Act of 2016 mandated that "the Director of the Office of Management and Budget, in consultation with the Attorney General [ ] ensure the operation of a consolidated online request portal that allows a member of the public to submit a [FOIA] request . . . to any agency from a single website." The Act directed the Director of the Office of Management and Budget (OMB) to "establish standards for interoperability between the portal . . . and other request processing software used by agencies . . . ."   On February 12, 2019, OMB and the U.S. Department of Justice (DOJ) issued joint memorandum M-19-10 outlining the standards of interoperability for the National FOIA Portal and requiring all agencies to become interoperable by the end of August 2023.

For 2023, agencies were asked to describe ways they leverage technology to facilitate efficiency in FOIA administration that they have not previously reported. Agencies were also asked to confirm that they had reviewed their FOIA websites to address elements noted in OIP [guidance and to verify compliance with reporting and National FOIA Portal interoperability requirements](#).

FOIA-Related Technological Capabilities

New for 2023, OIP asked agencies to identify whether they had reviewed FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands. All sixty-five medium and high-volume agencies responded they had reviewed their FOIA-related technological capabilities.

Leveraging Technology to Facilitate Efficiency and Automate Record Processing

Technological resources have long been a fundamental element of agencies' success in FOIA administration. In past Chief FOIA Officer Reports, agencies have reported on the use of new FOIA case management systems, file sharing platforms, e-discovery tools, and other review and redactions software to facilitate the needs of their FOIA programs. For 2023, many agencies reported using or exploring new and advanced types of technology to improve efficiency in FOIA processing. New for this year, OIP also specifically asked whether agencies used any technology to automate record processing, such as machine learning, predictive coding, and technology assisted review.   The use of Artificial Intelligence and machine learning is an emerging area that presents significant opportunities to make the search and review of records more efficient and accurate, but that still requires human monitoring and appropriate safeguards to ensure that it is consistent with

the FOIA. The Chief FOIA Officers Council Committee on Technology has established a Artificial Intelligence working group and OIP is closely monitoring developments in this area.

- HHS/Centers for Disease Control and Prevention (CDC) is piloting a new artificial intelligence software that helps identify information that may need to be redacted under a FOIA exemption.

- Central Intelligence Agency (CIA) is investigating and testing artificial intelligence and machine learning tools to assist the review process, as well as its applicability for integration into the agency's production systems. The agency has recently integrated a capability to utilize pattern detection, which is intended to support redaction consistency.

- Federal Deposit Insurance Corporation implemented a new FOIA case management system built on an e-discovery platform. The new system allows users to automate portions of the redaction process, for example, by copying redactions from similar requests, copying redactions from established redaction templates, and redacting text based on established keyword lists. Users can also save a redacted document as a template that can be used to redact other similar documents.

- DOJ/Drug Enforcement Administration partnered with its Digital Evidence Laboratory to establish a workflow which will enable FOIA staff to utilize new e-discovery tools to expedite the initial review and organization of hundreds of emails and attachments.

- National Labor Relations Board (NLRB) automated a previously manual procedure to retrieve and download large case files. NLRB noted that the new tool has saved its FOIA Branch time that would have been previously spent retrieving records in voluminous case files.

- DOS leveraged machine learning technology to tag emails when searching for responsive records. DOS notes that eliminating personal emails and news clippings during its initial search reduced the time needed locate responsive agency records and reduced the agency's response time.

- PBGC reported that its predictive coding software creates a uniform environment for analysts to make, review, and apply redactions. PBGC notes that, for bulk records, this software saves approximately 50% of the review time and corresponding financial resources in labor hours.

Review of Agency Websites

In 2017, OIP issued guidance encouraging agencies to regularly review their FOIA websites to ensure they contain essential resources, are informative, and user-friendly. In their 2023 Chief FOIA Officer Reports, sixty-four of sixty-five agencies receiving more than fifty requests reported that they reviewed their websites for compliance with OIP Guidance.

Posting Quarterly FOIA Reports

In FY 2023, 88% of agencies receiving more than fifty requests reported posting their Quarterly FOIA Reports successfully on FOIA.gov. An additional 6% of agencies were able to post some of their quarterly reports successfully. Any agency that was unable to successfully provide all quarterly report data for display on FOIA.gov was required to provide a plan for ensuring that such reporting is successful in FY 2024. Given the importance of providing the public these key FOIA statistics during the course of the fiscal year, every agency should ensure that their quarterly FOIA reports are timely and properly posted in accordance with OIP's guidance, so that they can be accessed through FOIA.gov.

Posting Raw Data Used to Compile the Annual FOIA Report

The *FOIA Improvement Act of 2016* amended the FOIA to require agencies to proactively make available in an electronic format the raw statistical data used to compile their Annual FOIA Report. OIP issued guidance to assist agencies in meeting this requirement, and asked agencies to provide links to their raw data postings for FY 2021 in their 2023 Chief FOIA Officer Reports. For this reporting period, 91% of agencies receiving more than fifty requests successfully posted the raw data used to compile their FY 2021 Annual FOIA Report. Several agencies have also already posted the raw data for their FY 2022 reports.

Interoperability with the National FOIA Portal

In February 2019, DOJ and OMB issued joint guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. For 2023, OIP asked agencies whether all their components were in compliance with the guidance. For this reporting period, 88% of agencies receiving more than fifty requests confirmed that they were interoperable with the National FOIA Portal or had been granted an extension pursuant to the joint guidance until no later than the end of FY 2023. Another 12% of agencies receiving more than 50 requests answered that some, but not all, of their components were interoperable with the National FOIA Portal.

Best Practices and Challenges with Technology

Some agencies described best practices in the area of technology. For example, DOD/DIA developed a "Finding Aid Tool" which provides FOIA analysts an additional avenue to search for records not located by the Action Office. DOC/International Trade Administration is working with contractors to develop more sophisticated data visualizations and analytical reporting, using software, to improve the overall FOIA program operations. SSA worked with its IT staff to improve the quality of keyword searches in response to requests for email communications.

In addition to best practices, agencies also provided examples of challenges they face related to technology. DOD/Air Force noted that its case management system is sometimes unavailable and that troubleshooting the issue takes away from processing times. HUD noted that uploading many of its data files to its FOIA case management system is challenging, given the size of the files. CIA reported that the lack of a collaborative space for FOIA personnel to provide input on their responses to searches and review of documents. To that end, CIA's FOIA team plans to implement a collaboration portal so that FOIA personnel can provide their input directly into a shared system.

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

For the 2023 Chief FOIA Officer Reports, Section V was revised to address steps taken to remove barriers to access, in line with the Attorney General's 2022 FOIA Guidelines. Accordingly, OIP asked agencies to report in this section whether they provide alternative means of access to first-party requested records. OIP also asked agencies to provide detailed information on adjudication of requests seeking expedition, simple track processing times, and their efforts to reduce backlogs and close their ten oldest requests, appeals, and consultations. Agencies that had a request backlog of over 1,000 provided plans for achieving backlog reduction in the year ahead. Agencies that did not close their ten oldest requests, appeals, or consultations from FY 2021 during FY 2022 described their plans for closing those requests, appeals or consultations by the end of FY 2023. Finally, new for 2023, OIP asked agencies to describe the impact of any FOIA litigation on their overall FOIA administration and to indicate many requests involved unusual circumstances as defined by the FOIA.

Alternative Means of Access to First Party Requested Records

In 2023, OIP asked agencies to report whether they provided alternative means of access to first-party requested records outside of the FOIA process, and if so, to provide examples. Multiple agencies reported providing alternative means of access for first-party requests. For example:

- Treasury provided alternate first-party access to individual debt and payment records; first-party tax transcripts; coin order histories; complaint and investigatory records on first-party requesters; and Federal Alcohol Permits. Treasury developed the alternative means of access by establishing websites and call centers for making information requests. Treasury notes that providing alternate means of access to first-party requested records decreases the turnaround time to obtain the requested information, with some requests taking 24 hours or less.

- SSA permits individuals requesting information from their own claim file to visit their local Social Security office to receive the records.

- Nuclear Regulatory Commission (NRC) provides individuals with the opportunity to request Radiation Worker Dose History through an alternative means of access. NRC employees are also provided with access to their time and labor records and their appraisals.

- Several HHS components provided first-parties alternative means of access to records outside the FOIA. For example: HHS/Administration for Children and Families' Office of Refugee Resettlement provided a method for parties to seek copies of Unaccompanied Children case files outside of FOIA. HHS/CMS access to first-party data through the Medicare Blue Button tool, which is available on its website. HHS/Indian Health Service facilitated the disclosure of medical records to patients and their representatives outside of the FOIA process once furnished with a properly completed IHS-810 form.

- ED processed first-party requests for student loan and civil rights investigatory records outside of the FOIA.

- USDA/Forest Service managed a process outside of FOIA in which internal unsuccessful job applicants may request certain records directly from its human resources department. The records allow the employees feedback to prepare them for future vacancy announcements.

- DOJ/Executive Office for United States Trustees permitted parties to obtain copies of certain creditor meeting recordings in any bankruptcy case directly from an EOUST field office rather than submitting a FOIA request.

- DOJ/Executive Office for Immigration Review (EOIR) implemented a customer service initiative in which respondents and representatives may obtain a Record of Proceeding (ROP) directly through the Immigration Courts and the Board of Immigration Appeals. Attorneys who entered an appearance with the Immigration Court and the Board of Immigration Appeals may also schedule an in-person review of ROPs. Additionally, as of February 2022, newly filed EOIR Immigration Court records are accessible to a respondent's attorney using the EOIR Courts and Appeals System, an online portal that allows the attorney of record to access a PDF of the court filings for non-citizens currently in Immigration Court proceedings. Finally, attorneys and non-citizens can obtain basic case status information using either a 1-800 toll free number, and EOIR's website using EOIR's Automated Case Information System.

- PBGC established alternative means of access to certain first-party requests for pension records, such as income verifications, beneficiary designations, election forms, and benefit

determinations records, which are disclosed by PBGC's Office of Benefits Administration and outside of the FOIA process.

Requests for Expedition

The FOIA requires that agencies establish procedures in their regulations that provide "for expedited processing of requests" in certain circumstances. 5 U.S.C. § 552(a)(6)(E)(i) (2018). For 2023, OIP asked agencies to report the average number of days they took to adjudicate requests for expedition. During the reporting period, thirty-seven medium and high-volume agencies adjudicated requests for expedition in less than ten days.

Simple Track Requests

Because of the strong correlation between the type of request that is made and the ability of the agency to respond to that request more quickly, in 2012, OIP established a milestone that addressed whether the agency overall responded to requests in its simple track within an average of twenty working days or less. Agencies once again reported on this metric in their 2023 Chief FOIA Officer Reports. Twenty-nine medium and high-volume agencies reported that they either processed their simple-track requests in an average of twenty-working days or less, or if they did not use multi-track processing, they processed all their non-expedited requests within that average timeframe. Of the 36 agencies that did not process simple-track requests in fewer than twenty-working days, fifteen reported that the simple-track processing time decreased compared to the prior fiscal year.

Backlogs

With regard to request backlogs, as illustrated in Figure 3, twenty-six medium and high-volume agencies reported that they either reduced the number of requests in their backlog at the end of FY 2022 or they had no backlog to reduce. Seven agencies reported that the backlog was the same as the previous fiscal year or an increase of up to five backlogged requests. Thirty-two agencies experienced a backlog increase of more than five requests; of these agencies, eighteen reported that they processed more requests than the previous fiscal year.

Comparison of Request Backlog FY21 - FY22

- 40%
- 49%
- 11%

- ■ 26 Agencies Reduced their Backlog or Had No Backlog to Reduce
- ■ 32 Agencies Had a Backlog Increase Greater than 5
- ■ 7 Agencies Had a Slight Increase (within 5) or Constant Backlog
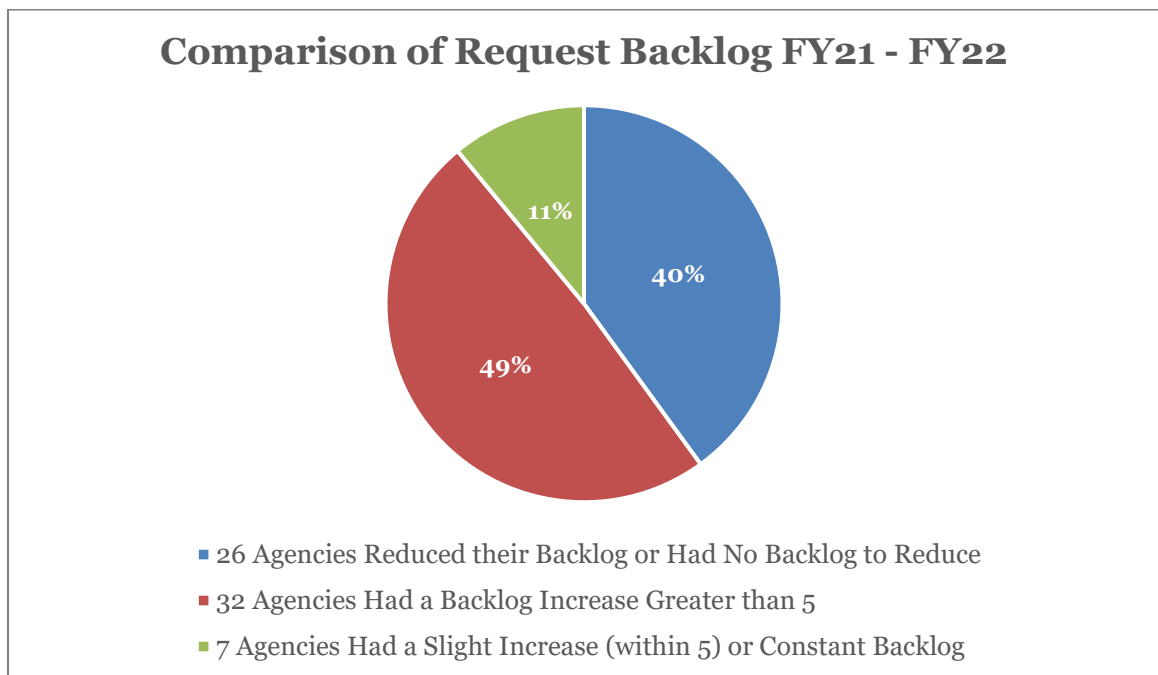
Figure 3: Backlog Comparison, FY 2021 to FY 2022

For administrative FOIA appeals, forty-five medium and high-volume agencies reported that they either reduced the number of appeals in their backlog at the end of FY 2021 or they had no backlog to reduce. Eleven agencies reported that the backlog was the same as the previous fiscal year or an increase of up to five backlogged appeals. Nine agencies reported an appeal backlog increase of over five appeals. Further, of the twenty agencies that reported an increase or constant appeals backlog, twelve also reported that they processed more appeals than the previous fiscal year.

As with previous years, agencies that experienced an increase in their request or appeal backlogs explained the causes that contributed to those increases in their 2023 Chief FOIA Officer Reports. The most frequently cited factors were the loss of staff and an increase in the number of requests. Twenty-six agencies reported the loss of staff as contributing to their request backlog. Twenty-three agencies identified the increased number of requests as contributing to their request backlog. Additionally, twenty-two agencies reported an increase in the complexity of requests as contributing to the backlog. Finally, six agencies reported COVID-19 and workplace safety precautions as contributing to the backlog. For example, State explained that its FOIA program faced significant challenges and constraints because of the COVID-19 pandemic during the first two quarters of FY 2022 when the agency remained in a maximum telework posture and limited on-site presence to mission critical functions only. This limited the number of FOIA staff that were available to work on-site to process information stored on secured networks and directly contributed to an increase in the FOIA backlog. EPA similarly reported that it "had ongoing challenges accessing and reviewing hardcopy records to search for responsive records in certain offices due to the COVID-19 pandemic safety precautions and because of office location moves that resulted in the records being boxed and inaccessible during the moves."

With respect to appeals, eleven agencies identified the complexity of appeals as contributing to the backlog. Eight agencies identified the increased number of appeals received as contributing to their appeals backlog. Eight agencies also identified a loss of staff as contributing to their appeals backlog. Finally, four agencies reported the lingering effects of the COVID-19 pandemic as contributing to the appeals backlog.

Status of Ten Oldest Requests, Appeals, and Consultations

A critical element of the government's backlog-reduction efforts is the closing of the ten oldest pending requests, appeals, and consultations at each agency every year. Twenty-four medium and high-volume agencies reported that they either closed all ten of their oldest requests from FY 2021 by the end of FY 2022, or they had no ten oldest to close.

With regard to appeals, forty-nine medium and high-volume agencies either closed their ten oldest pending appeals or they had no ten oldest to close. Finally, fifty-two medium and high-volume agencies closed their ten oldest pending consultations, or they continued to maintain no pending consultations at the end of the fiscal year.

FOIA Litigation

New for 2023, OIP asked agencies whether any requests were the subject of FOIA litigation during the reporting period and, if so, to provide examples describing the impact on the agencies overall request processing. OIP also asked agencies to report common causes leading to litigation, if possible. For context, as reported in the Department of Justice's Litigation and Compliance Report, during Calendar Year 2022, 797 FOIA cases were filed in the federal district courts. As

reported in OIP's Summary of the Annual FOIA Reports for Fiscal Year 2022, approximately $41 million was spent by agencies on FOIA litigation-related activities. Overall, forty-nine of the sixty-five agencies that submitted Chief FOIA Officer Reports reported having FOIA litigation during the reporting period. The number of cases that agencies reported handling varied with some agencies handling one or two FOIA cases while others such as DOJ, DOD, DHS State and HHS having over a hundred. The most common cause of litigation reported by agencies was constructive exhaustion when the agency was not able to meet the twenty- or thirty-day deadline for responding to the request. However, some agencies also reported having litigation because of a dispute concerning agency withholdings or denials of requests for expedition. Agencies that reported having FOIA litigation by and large noted that litigation had a big impact on their ability to handle their non-litigation requests and backlogs. As illustrated in many of the Chief FOIA Officer Reports, the resources required to handle FOIA litigation are disproportionate to those needed to respond to requests administratively. Significant staffing resources are often required to effectively coordinate with litigating counsel, review court filings, and draft declarations, and Vaughn Indexes, Additionally, agencies reported that court ordered production deadlines and page counts often require the agency to prioritize litigation and divert resources away from the requests in the administrative queue. For some smaller agencies, even one or two requests in litigation can have a significant impact given limited resources. Some agencies provided additional context to illustrate the impact of litigation. For example, while FOIA requests in litigation at State comprise only about 1% of all FOIA requests at the agency, they demand a disproportionate share—approximately 90%—of the FOIA reviewer resources, which has contributed to the increase in State's FOIA backlog. DOJ's Justice Management Division (JMD) similarly reported that its litigation team handles approximately 5% of JMD's cases overall, but JMD's FOIA Litigation staff is the same size as the team that handles the remaining 95% of FOIA cases.

Unusual Circumstances

Finally, new for 2023, OIP asked agencies how many requests during Fiscal Year 2022 involved "unusual circumstances" as defined by the FOIA. An agency may extend the twenty-day time limit for processing a FOIA request an additional ten days by providing written notice to the requester invoking one or more of three "unusual circumstances" defined by the FOIA. These are the need to search for and collect records "from field facilities or other establishments that are separate from the office" processing the request; search for, collect, and examine "a voluminous amount" of records "demanded in a single request"; and the need to consult with another agency or two or more agency components. Fifty-seven agencies reported that 505,535 requests out of 784,554 total requests processed involved unusual circumstances.

Conclusion

OIP's 2023 Summary and Assessment demonstrates that agencies continued to implement new ways to improve their administration of the FOIA through various initiatives connected to the five key areas addressed in the Attorney General's 2022 FOIA Guidelines. As illustrated in the individual agency Chief FOIA Officer Reports, significant efforts have been made to apply a presumption of openness in FOIA administration, ensure effective systems are in place to process requests, continue to make more proactive disclosures, utilize technology, and make efforts to reduce barriers to access, improve timeliness, and reduce backlogs. While there are many achievements noted in this summary, the successes achieved by individual agencies can vary. OIP's Assessment serves as a visual snapshot of where each agency should focus its efforts in the upcoming year to achieve greater success. To assist agencies OIP also offers the following guidance.

OIP Guidance for Further Improvement Based on 2023 Chief FOIA Officer Report Review and Assessment

Simple Track Request Processing Times

The Attorney General's 2022 FOIA Guidelines note "[a]gencies should continue their efforts to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs" and further emphasize that agencies have "effective systems in place for responding to requests in a timely manner." To that end, agencies should prioritize processing simple track requests within twenty working days. OIP's recently updated FOIA Self-Assessment Toolkit can help agencies examine their processing practices to meet this milestone. Module 2 of the Toolkit on Assigning Cases and Managing Tracks provides the following best practices for the processing of simple requests:

- ensure the agency's processing workflow allows FOIA Staff to continuously monitor, evaluate, and update the assigned processing track, as needed, throughout the life of the request;
- actively monitor the average processing time for simple track requests to identify ways to decrease the average processing time;
- reexamine the FOIA process if the agency is taking longer than an average of twenty-working days to process simple requests, according to section VII.C.1 of the agency's Annual FOIA Report;
- prioritize the closure of the ten oldest requests in the simple track, according to section VII.C.1 of the agency's Annual FOIA Report;
- and, analyze FOIA data to compare simple and complex track processing times and confirm that requests are being placed in the proper track.

Finally, OIP encourages agency FOIA professionals to attend its training courses such as FOIA Processing from Start to Finish and Procedural Requirements, which offer best practices on multitrack processing and the efficient processing of simple requests.

Interoperability with FOIA.gov

Following the FOIA's mandate to establish "a consolidated online request portal that allows a member of the public to submit a request . . . to any agency from a single website," 5 U.S.C. § 552(m)(1), DOJ and OMB issued joint guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. The guidance requires agencies to become fully interoperable by the end of Fiscal Year 2021, unless they sought and were granted an exception to extent no later than the August 2023. With agencies now being fully linked to FOIA.gov, OIP encourages agencies to link to the site on their FOIA websites as an additional, helpful resource for requesters.

Going forward, agencies must ensure that their systems remain interoperable with FOIA.gov in line with the joint guidance. When acquiring a new case management system, agencies should make sure that interoperability with FOIA.gov is a system requirement. Agencies should test interoperability ahead of full implementation of any new case management system to verify that the transition will be successful. Any agency that experiences an error with their interoperability should work to rectify those errors as soon as possible. Another key part of interoperability is making sure that agencies' information on FOIA.gov, such as agency contact information, mission descriptions and links to the FOIA Library, FOIA Reference Handbook, and FOIA regulations is always up-to-date. As explained in the joint guidance, "[a]lthough agencies should be regularly reviewing and updating their FOIA.gov accounts, all agencies are required

annually to certify the accuracy of their FOIA.gov information to DOJ during the annual FOIA report clearance process." OIP is available to assist agencies with interoperability and any other concerns related to the National FOIA Portal.

<p align="center">*Foreseeable Harm Standard*</p>

The Attorney General's 2022 FOIA Guidelines provide 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." Accordingly, as noted in OIP's Guidance on Applying the Presumption of Openness and the Foreseeable Harm Standard, if an agency has made a final determination invoking one or more FOIA exemptions (other than Exemption 3), it should explain to the requester that it considered the foreseeable harm standard. Additionally, OIP's guidance notes that to the extent practicable and efficient, agencies should consider brief, tailored explanations in response letters whenever doing so will increase understanding of the handling of the request. If FOIA requesters have questions or concerns about any adverse determination made by the agency, including its application of the foreseeable harm standard, they may contact the agency's FOIA Requester Service Center or FOIA Public Liaison. Agencies should promptly respond to any such inquiries by providing as much detail and context as possible without undermining any interests that are being protected by exemptions that the agency may have asserted.

2023 Assessment of Agency Progress in FOIA Administration

For the 2023 assessment, OIP selected twenty-three milestones for scoring high volume agencies and twenty-one milestones for medium volume agencies, each of which is tied to one of the five key areas addressed in the Attorney General's 2022 FOIA Guidelines. These milestones were chosen as indicative of progress made in each area, but they are by no means exclusive. Agencies include in their Chief FOIA Officer Reports a wide range of accomplishments and initiatives that they have undertaken to improve their administration of the FOIA. As these reports themselves provide a more comprehensive picture of each agency's work in implementing the Attorney General's 2022 FOIA Guidelines, this assessment is designed to provide a visual snapshot of several key areas of agency FOIA administration and is meant to be read in conjunction with the Chief FOIA Officer Reports. The assessment readily illustrates many areas where agencies have made real progress in the past year and also serves to highlight areas where further improvements can be made.

The assessment covers the twenty-seven high volume agencies and thirty-eight medium-volume agencies that were subject to the FOIA during FY 2022. As in prior years, agencies are scored on the different milestones based on a stoplight scoring system. Agencies provide a wealth of information as a part of their Chief FOIA Officer Reports that do not lend themselves to scoring, but are still very informative as to their efforts to improve their FOIA administration. In an effort to streamline the presentation of the assessment, narrative information is not included in the charts.

A detailed methodology is provided below describing how each milestone was scored. As in prior years, questions assessed on the three-step scoring system use a score of dark green, yellow, and red. Dark green indicates that the agency met the milestone, yellow indicates partial progress, and red indicates that the milestone was not met. For the five-step scoring system, the colors light green and orange provide more gradation as to the progress the agency has made towards that milestone.

The time period for the assessment is generally March 2022 to March 2023, which is the period covered by the 2023 Chief FOIA Officer Reports. For the milestones concerning average time to adjudicate requests for expedited processing, processing times for simple track requests, backlogs, and the ten oldest requests, appeals, and consultations, the time period is FY 2022. The data for these metrics was compiled from agency Annual FOIA Reports, which are available on both FOIA.gov and OIP's Reports page.

2023 Chief FOIA Officer Report Methodology

Section I: FOIA Leadership and Applying the Presumption of Openness

A. Leadership Support for FOIA

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least 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?
    - Dark Green: Yes
    - Red: No
2. Please provide the name and title of your agency's Chief FOIA Officer. **(Not Graded)**
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? (**Not Graded**)

B. Presumption of Openness

4. The Attorney General'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?
    - Dark Green: Yes
    - Yellow: Partial
    - Red: No
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 interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. With respect to these responses, please answer the below questions:
    a) In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a *Glomar* response?
    b) If yes, please provide:
        i. the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible);
        ii. the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).
    c) If your agency does not track the use of *Glomar* responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved. **(Not Graded)**
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. (**Not Graded**)

Section II: 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. **(Not Graded)**

2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?
   - Dark Green: Attended training/FOIA conference (one or multiple) or held a staff meeting that included some FOIA training
   - Yellow: Is planning to attend or hold training after reporting period
   - Red: Did not hold or attend training

3. If yes, please provide a brief description of the type of training attended or conducted and the topics covered. (**Not Graded**)

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. (**Graded only for agencies receiving greater than 1,000 requests)**
   - Dark Green: 100% to 81%
   - Light Green: 80% to 61%
   - Yellow: 60% to 41%
   - Orange: 40% to 21%
   - Red: 20% and below

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. (**Not Graded**)

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?
   - Dark Green: Yes
   - Red: No

B. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? 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. (**Graded only for agencies receiving greater than 1,000 requests)**
- <mark style="background-color:green">Dark Green:</mark> Agency conducted outreach outside of the standard request process
- <mark style="background-color:red">Red:</mark> Agency did not conduct any outreach outside of the standard request process

8. 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. (**Not Graded**)

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 2022 (please provide a total number or an estimate of the number). (**Not Graded**)

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. (**Not Graded**)
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. (**Not Graded**)
12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here. (**Not Graded**)

Section III: Proactive Disclosures

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures. (**Not Graded**)

2. Provide examples of any material 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). Please include links to these materials as well. (**Not Graded**)

3. 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?
- <mark style="background-color:green">Dark Green:</mark> Agency answered yes. Alternatively: Agency answered that it is already making information available in its most useful format
- <mark style="background-color:yellow">Yellow:</mark> Agency is looking into how they would do so. Alternatively: If agency noted that they do not operate their website in house
- <mark style="background-color:red">Red:</mark> Agency answered no

4. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to

the extent feasible. If not posting in open formats, please explain why and note any challenges. (**Not Graded**)

5. 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. (**Not Graded**)

6. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area. (**Not Graded**)

Section IV: Steps Take to Greater Utilize Technology

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands? (**Not Graded**)

2. Please briefly describe any new types of technology your agency uses to support your FOIA program. (**Not Graded**)

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar 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. (**Not Graded**)

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?
    - Dark Green: Agency reviewed
    - Yellow: Planning to review
    - Red: Did not review

5. Did all four of your agency's quarterly reports for Fiscal Year 2022 appear on FOIA.gov?
    - Dark Green: Agency did successfully, with data appearing on FOIA.gov
    - Yellow: Agency posted 2 or 3 of the reports
    - Orange: Agency posted at least 1 report
    - Red: Agency did not post any reports
    - N/A: Agency did not post quarterly reports because this is their first year providing an annual report; they will provide quarterly reports in FY23.

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 2023. (**Not Graded**)

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 2021 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report.
    - Dark Green: Provided link to posting
    - Red: Did not provide link to posting

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?
   - `Dark Green:` All components are in compliance with the guidance
   - `Yellow:` Some but not all components are in compliance with the guidance
   - `Red:` Agency is not in compliance with the guidance

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area. (**Not Graded**)

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

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first-party requested records outside of the FOIA process? (**Not Graded)**

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know. (**Not Graded**)

B. Timeliness

3. For Fiscal Year 2022, 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 2022 Annual FOIA Report.
   - `Dark Green:` Less than 10 days
   - `Light Green:` Between 10.1 and 10.5 days
   - `Yellow:` Between 10.6 and 11.0 days
   - `Orange:` Between 11.1 and 12 days
   - `Red:` Over 12 days
   - `N/A:` Did not adjudicate such a request during FY

4. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2022 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.

5. Does your agency utilize a separate track for simple requests? (**Not Graded**)

6. 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 2022?
   - `Dark Green:` Average time is 20 days or below (with or without)
   - `Light Green:` 20.01 and 22 (with or without)
   - `Yellow:` Average time is between 22.01 and 23 days (with simple track); time is above 22.01 days (without simple track)

- Orange: 23.01 and 25 (with simple)
- Red: Average time is above 25.01 days (with simple track)

7. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?
   - Dark Green: Simple track average processing time in FY22 decreased from FY21.
   - Yellow: Simple track average processing time remained the same.
   - Red: Simple track average processing time in FY22 increased from FY21.
   - N/A: Simple track average processing time 20 days or below.

8. Please provide the percentage of requests processed by your agency in Fiscal Year 2022 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. (**Not Graded**)

9. 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? (**Graded if no simple track grade articulated above in question 2.)**
   - Dark Green: Average time is 20 days or below days
   - Light Green: 20.01 and 22 (with or without)
   - Yellow: Average time is above 22.01

C. Backlogs

BACKLOGGED REQUESTS

10. If your agency had a backlog of requests at the close of Fiscal Year 2022, 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 2021?
    - Dark Green: Agency backlog decreased (or backlog was constant at 0)
    - Yellow: Agency backlog was same as previous FY (not 0) or increased within 5 requests
    - Red: Agency backlog increased more than 5 requests

11. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?
    - Dark Green: Agency processed more in FY22 than in FY21
    - Yellow: Agency processed the same amount in FY22 as in FY21
    - Red: Agency processed less in FY22 than in FY21

12. If your agency's request backlog increased during Fiscal Year 2022, 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)
    - Impact of COVID-19 and workplace and safety precautions

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

13. 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 2022. 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."
    - Dark Green: 0% to 10%
    - Light Green: 11% to 20%
    - Yellow: 21% to 30%
    - Orange: 31% to 40%
    - Red: 41% and above

BACKLOGGED APPEALS

14. If your agency had a backlog of appeals at the close of Fiscal Year 2022, 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 2021?
    - Dark Green: Agency backlog decreased (or backlog was constant at 0)
    - Yellow: Agency backlog was same as previous FY (not 0) or increased within 5 appeals
    - Red: Agency backlog increased more than 5 appeals

15. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021?
    - Dark Green: Agency processed more in FY22 than in FY21
    - Yellow: Agency processed the same amount in FY22 than in FY21
    - Red: Agency processed less in FY22 than in FY21

16. If your agency's appeal backlog increased during Fiscal Year 2022, 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)
    - Impact of COVID-19 and workplace and safety precautions
    - Any other reasons – please briefly describe or provide examples when possible

17. 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 2022. 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 2022 and/or has no appeal backlog, please answer with "N/A."

- <mark>Dark Green:</mark> 0% to 10%
- <mark>Light Green:</mark> 11% to 20%
- <mark>Yellow:</mark> 21% to 30%
- <mark>Orange:</mark> 31% to 40%
- <mark>Red:</mark> 41% and above

D. Backlog Reduction Plans

18. In the 2022 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2021 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2022? (**Not Graded**)

19. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your agency's plan to reduce this backlog during Fiscal Year 2023. (**Not Graded**)

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

TEN OLDEST REQUESTS

20. In Fiscal Year 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report?
     - <mark>Dark Green:</mark> Agency answered yes (or no ten oldest to close)
     - <mark>Red:</mark> Agency answered no

21. 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 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. (**Not Graded**)

22. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests. (**Not Graded**)

TEN OLDEST APPEALS

23. In Fiscal Year 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2021 Annual FOIA Report?
     - <mark>Dark Green:</mark> Agency answered yes (or no ten oldest to close)
     - <mark>Red:</mark> Agency answered no

24. 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 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. (**Not Graded**)

25. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals. (**Not Graded**)

26. In Fiscal Year 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report?
   - Dark Green: Agency answered yes (or no ten oldest to close)
   - Red: Agency answered no

27. 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 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that. (**Not Graded**)

ADDITIONAL INFORMATION REGARDING TEN OLDEST

28. 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 2023. (**Not Graded**)

F. Additional Information about FOIA Processing

29. 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, and any other information to illustrate the impact of litigation on your overall FOIA administration. (**Not Graded)**

30. How many requests during FY22 involved unusual circumstances as defined by the FOIA? (This information is available in your agency's FY22 raw data). (**Not Graded)**

2023 Chief FOIA Officer Reports - Assessment of Federal Departments and Agencies
Agencies Receiving More than 1,000 Requests (FY 2021)

Agency	CFO Level	Section I: FOIA Leadership and Applying the Presumption of Openness — Confirmation of Foreseeable Harm Standard in Response Letters	Section II: Attended FOIA Training	Section II: Estimate of FOIA Professionals who Attended Training	Section II: Inform Non-FOIA Staff of FOIA Obligations	Section II: Agency Conducted Outreach with Requester Community	Section III: Making Information More Useful	Section IV: Reviewed Website	Section IV: Quarterly Report Postings	Section IV: FY 2021 Raw Data Posting	Section IV: Interoperability with FOIA.gov
CIA	Green	Red	Green	100%	Green	Red	Green	Green	Green	Green	Green
DHS	Green	Green	Green	99%	Green	Green	Green	Green	Green	Green	Yellow
DOC	Green	Yellow	Green	90%	Green	Green	Green	Green	Green	Green	Green
DOD	Green	Yellow	Green	91%	Green	Green	Green	Green	Green	Green	Yellow
DOE	Green	Green	Green	80%	Green	Green	Green	Green	Green	Green	Green
DOI	Green	Green	Green	88%	Green	Green	Green	Green	Green	Green	Green
DOJ	Green	Green	Green	86%	Green	Green	Green	Green	Green	Green	Green
DOT	Green	Green	Green	85%	Green	Green	Green	Green	Green	Green	Yellow
ED	Green	Yellow	Green	100%	Green	Red	Green	Green	Green	Green	Green
EEOC	Green	Green	Green	100%	Green	Red	Green	Green	Green	Green	Green
EPA	Green	Green	Green	93%	Green	Green	Green	Green	Green	Green	Green
FTC	Green	Green	Green	80%	Green	Green	Green	Green	Green	Red	Green
GSA	Green	Green	Green	100%	Green	Red	Red	Green	Green	Green	Green
HHS	Green	Yellow	Green	95%	Green	Green	Green	Green	Green	Green	Yellow
HUD	Green	Green	Green	85%	Green	Red	Green	Green	Green	Green	Yellow

2023 Chief FOIA Officer Reports - Assessment of Federal Departments and Agencies

Agencies Receiving More than 1,000 Requests (FY 2021)

Agency	Section I: FOIA Leadership and Applying the Presumption of Openness		Section II: Ensuring Fair and Effective FOIA Administration					Section III: Proactive Disclosures	Section IV: Use of Technology			
	CFO Level	Confirmation of Foreseeable Harm Standard in Response Letters	Training – Attended FOIA Training	Training – Estimate of FOIA Professionals who Attended Training	Inform Non-FOIA Staff of FOIA Obligations	Agency Conducted Outreach with Requester Community	Making Information More Useful	Reviewed Website	Quarterly Report Postings	FY 2021 Raw Data Posting	Interoperability with FOIA.gov
Labor	Green	Yellow	Green	Green 100%	Green	Green	Green	Green	Green	Green	Yellow
NARA	Green	Yellow	Green	Green 95%	Green	Green	Green	Green	Green	Green	Yellow
NLRB	Green	Green	Green	Green 100%	Green	Green	Green	Green	Green	Green	Green
PBGC	Green	Green	Green	Green 100%	Green	Green	Green	Green	Green	Green	Green
SBA	Green	Red	Green	Green 91%	Green	Red	Green	Green	Red	Green	Green
SEC	Green	Green	Green	Green 100%	Green	Green	Green	Green	Green	Green	Green
SSA	Green	Green	Green	Green 100%	Green	Green	Green	Green	Green	Green	Green
State	Green	Green	Green	Green 90%	Green	Green	Green	Green	Green	Green	Green
Treasury	Green	Yellow	Green	Green 90%	Green	Green	Green	Green	Green	Green	Yellow
USDA	Green	Green	Green	Green 94%	Green	Green	Green	Green	Green	Green	Green
USPS	Green	Green	Green	Green 100%	Green	Green	Green	Green	Green	Green	Green
VA	Green	Green	Green	Green 100%	Green	Green	Green	Green	Green	Red	Green

Section V -- Steps Taken to Improve Timeliness in Responding to Requests (Req.) and Reducing Backlogs

Agency	Requests for Expedition – Score	Avg. No. of Days to Adjudicate	Has a Simple Track?	Simple Track – Score	Avg. No. of Days to Process	Processing Time Decrease	% of Req. In Simple Track	Backlog – Req.	Process More Req.	Backlog – App.	Process More App.	Req. Score	Req. %	App. Score	App. %	Closed – Req.	If no, # closed	App.	If no, # closed	Consults.	If no, # closed
CIA	[orange]	11.15	Yes	[green]	10.33	N/A	10%	[red]	[red]	[green]	N/A	[red]	125%	[red]	334%	[red]	2/10	[red]	0/10	[red]	5/10
DHS	[green]	6	Yes	[green]	11	N/A	22%	[red]	[green]	[green]	N/A	[green]	10%	[green]	6%	[red]	8/10	[green]	N/A	[red]	8/10
DOC	[red]	17.87	Yes	[red]	61.01	[red]	66%	[red]	[red]	[green]	[red]	[red]	51%	[red]	286%	[red]	4/10	[red]	3/10	[red]	6/10
DOD	[red]	118	Yes	[red]	39.61	[green]	42%	[green]	[green]	[green]	N/A	[orange]	34%	[red]	69%	[red]	8/10	[red]	N/A	[red]	5/10
DOE	[green]	6.71	Yes	[red]	41.74	[green]	54%	[red]	[green]	[yellow]	[green]	[green]	45%	[green]	41%	[green]	3/10	[red]	1/10	[green]	2/10
DOI	[red]	22.5	Yes	[red]	123.31	[red]	63%	[green]	[green]	[green]	N/A	[red]	75%	[red]	137%	[red]	7/10	[green]	N/A	[green]	N/A
DOJ	[red]	22.23	Yes	[red]	134.03	[red]	54%	[green]	[green]	[green]	N/A	[red]	70%	[light green]	16%	[green]	N/A	[green]	N/A	[green]	N/A
DOT	[red]	31.72	Yes	[red]	51.41	[green]	89%	[green]	[green]	[green]	[green]	[yellow]	28%	[red]	222%	[red]	6/10	[red]	0/10	[red]	4/10
ED	[red]	13.24	Yes	[green]	5.67	N/A	58%	[red]	[red]	[green]	N/A	[green]	66%	[red]	67%	[green]	N/A	[green]	N/A	[green]	N/A
EEOC	[red]	16.04	Yes	[green]	12.38	N/A	92%	[green]	N/A	[green]	N/A	[green]	0%	[light green]	14%	[red]	5/10	[green]	N/A	[green]	N/A
EPA	[green]	3.39	Yes	[red]	40.86	[green]	47%	[red]	[red]	[green]	N/A	[yellow]	23%	[green]	0%	[red]	8/10	[green]	N/A	[green]	N/A
FTC	[green]	5.4	Yes	[green]	5.44	N/A	58%	[red]	[green]	[green]	N/A	[green]	1%	[green]	0%	[green]	N/A	[green]	N/A	[green]	N/A
GSA	[green]	3.69	Yes	[green]	10.51	N/A	36%	[green]	N/A	[green]	N/A	[yellow]	21%	[green]	8%	[red]	9/10	[green]	N/A	[green]	N/A
HHS	[green]	7.99	Yes	[red]	29.63	[green]	31%	[red]	[green]	[green]	N/A	[yellow]	29%	[red]	132%	[red]	6/10	[red]	3/10	[red]	9/10
HUD	[red]	13.27	Yes	[red]	80.17	[green]	68%	[green]	N/A	[yellow]	[green]	[orange]	34%	[light green]	14%	[red]	7/10	[green]	N/A	[green]	N/A
Labor	[red]	39.6	Yes	[red]	49.16	[red]	49%	[red]	[green]	[green]	N/A	[green]	10%	[red]	154%	[red]	5/10	[green]	N/A	[red]	2/5
NARA	[green]	7	Yes	[red]	141	[red]	93%	[green]	N/A	[red]	[red]	[red]	67%	[red]	191%	[red]	6/10	[red]	0/10	[green]	N/A
NLRB	[green]	2.54	No	[green]	12.05	N/A	77%	[red]	[green]	[green]	N/A	[green]	1%	[green]	0%	[red]	6/10	[green]	N/A	[green]	N/A
PBGC	[yellow]	10.87	Yes	[green]	15.98	N/A	61%	[green]	N/A	[green]	N/A	[green]	0%	[green]	0%	[green]	N/A	[green]	N/A	[green]	N/A

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Agency	Requests for Expedition — Score	Requests for Expedition — Avg. No. of Days to Adjudicate	Simple Track — Has a Simple Track?	Simple Track — Score	Simple Track — Avg. No. of Days to Process	Simple Track — Processing Time Decrease	Simple Track — % of Req. In Simple Track	Agency Backlog Decreased — Req.	Agency Backlog Decreased — Process More Req.	Agency Backlog Decreased — App.	Agency Backlog Decreased — Process More App.	Percentage of Backlog — Req. Score	Percentage of Backlog — Req. %	Percentage of Backlog — App. Score	Percentage of Backlog — App. %	Agency Closed Ten Oldest — Req.	If no, # closed	App.	If no, # closed	Consults	If no, # closed
SBA		76	Yes		60		56%		N/A				6%		34%		2/10		N/A		N/A
SEC		2.68	Yes		7.78	N/A	77%				N/A		5%		0%		5 /10		N/A		N/A
SSA		4	Yes		8	N/A	96%						1%		5%		N/A		9/10		N/A
State		8	Yes		40		13%						135%		92%		0/10		7/10		4/10
Treasury		80.44	Yes		15.97	N/A	20%						22%		30%		5/10		0/10		2/10
USDA		29.91	Yes		23.86		90%		N/A		N/A		12%		109%		N/A		N/A		N/A
USPS		3.56	Yes		16.92	N/A	82%		N/A				2%		1%		N/A		N/A		N/A
VA		16.89	Yes		16.63	N/A	75%		N/A				4%		55%		N/A		N/A		N/A

		Section I: FOIA Leadership and Applying the Presumption of Openness	Section II: Ensuring Fair and Effective FOIA Administration			Section III: Proactive Disclosures		Section IV: Use of Technology			
			Training								
Agency	CFO Level	Confirmation of Foreseeable Harm Standard in Response Letters	Attended FOIA Training	Estimate of FOIA Professionals who Attended Training	Inform Non-FOIA Staff of FOIA Obligations	Making Information More Useful	Reviewed Website	Quarterly Report Postings	FY 2021 Raw Data Posting	Interoperability with FOIA.gov
CEQ	Green	Green	Green	80%	Green	Green	Green	Green	Green	Green
CFPB	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
CFTC	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
CIGIE	Green	Green	Green	33%	Green	Green	Green	Green	Green	Green
CPSC	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
CSB	Green	Red	Green	100%	Green	Green	Green	Yellow	Green	Green
CSOSA	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
DFC	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
EAC	Green	Green	Green	100%	Green	Green	Green	Red	Green	Green
Ex-Im	Green	Green	Green	89%	Green	Green	Green	Green	Green	Green
FCA	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
FCC	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
FDIC	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
FEC	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
FHFA	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green

Agency	CFO Level	Section I: FOIA Leadership and Applying the Presumption of Openness — Confirmation of Foreseeable Harm Standard in Response Letters	Section II: Training — Attended FOIA Training	Section II: Training — Estimate of FOIA Professionals who Attended Training	Section II: Inform Non-FOIA Staff of FOIA Obligations	Section III: Proactive Disclosures — Making Information More Useful	Section IV: Use of Technology — Reviewed Website	Section IV: Quarterly Report Postings	Section IV: FY 2021 Raw Data Posting	Section IV: Interoperability with FOIA.gov
FLRA	Green	Red	Green	80%	Green	Green	Green	Yellow	Green	Green
FRB	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
MSPB	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
NASA	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
NCUA	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
NEH	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
NRC	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
NRPC	Green	Red	Green	100%	Green	Red	Green	Green	Red	Green
NSF	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
NTSB	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
ODNI	Green	Green	Green	100%	Green	Red	Green	Green	Green	Green
OGE	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
OMB	Green	Green	Green	100%	Green	Green	Green	Green	Green	Green
OPM	Green	Green	Green	100%	Green	Red	Green	Green	Red	Green
OSC	Green	Green	Green	100%	Green	Green	Green	Yellow	Red	Green

Agency	CFO Level	Confirmation of Foreseeable Harm Standard in Response Letters	Training		Inform Non-FOIA Staff of FOIA Obligations	Making Information More Useful	Reviewed Website	Quarterly Report Postings	FY 2021 Raw Data Posting	Interoperability with FOIA.gov
			Attended FOIA Training	Estimate of FOIA Professionals who Attended Training						
OSHRC	green	green	green	100%	green	green	green	green	green	green
OSTP	green	green	green	100%	green	green	green	yellow	green	green
PC	green	green	green	80%	green	green	green	red	green	green
RRB	green	green	green	100%	green	green	green	green	green	green
TVA	green	green	green	90%	green	green	green	green	green	green
USAGM	green	red	green	100%	green	green	red	red	red	green
USAID	green	green	green	100%	green	green	green	green	green	green
USTR	green	green	green	100%	green	green	green	green	green	green

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Agencies Receiving 51-1,000 Requests (FY 2021)

Agency	Requests for Expedition		Simple Track					Agency Backlog Decreased				Percentage of Backlog to # of Req./App. Received in FY 2022				Agency Closed Ten Oldest Req., Appeals (App.) & Consultations (Consults.). If not, # closed in FY 2022					
	Score	Avg. No. of Days to Adjudicate	Has a Simple Track?	Score	Avg. No. of Days to Process	Processing Time Decrease	% of Req. In Simple Track	Req.	Process More Req.	App.	Process More App.	Req. Score	Req. %	App. Score	App. %	Req.	If no, # closed	App.	If no, # closed	Consults	If no, # closed
CEQ	N/A	N/A	Yes		63.96		61%				N/A		34%		0%		5/10		N/A		N/A
CFPB		1.69	Yes		6.14	N/A	63%				N/A		11%		0%		9/10		N/A		N/A
CFTC		5.43	Yes		23.59		32%		N/A	N/A			2%		0%		N/A		N/A		N/A
CIGIE	N/A	N/A	Yes		1	N/A	13%		N/A				27%		17%		N/A		N/A		N/A
CPSC		9	Yes		118		21%		N/A	N/A			96%		0%		6/10		N/A		N/A
CSB		44	Yes		54		22%		N/A				21%		0%		0/10		N/A		N/A
CSOSA		2	Yes		3	N/A	39%		N/A	N/A			0%		0%		N/A		N/A		N/A
DFC		10	Yes		109.87		68%		N/A	N/A			135%		0%		0/10		N/A		N/A
EAC		8	Yes		92		82%		N/A	N/A			1%		0%		9/10		N/A		N/A
Ex-Im		5.5	Yes		40.52		53%		N/A				17%		50%		7/10		N/A		N/A
FCA	N/A	N/A	No		12.5	N/A	100%		N/A	N/A			0%		0%		N/A		N/A		N/A
FCC		6.62	Yes		17.17	N/A	81%						6%		111%		4/10		2/8		N/A
FDIC		6.44	Yes		15.21	N/A	44%		N/A	N/A			2%		0%		8/10		N/A		N/A
FEC		33	No		9	N/A	35%						4%		0%		2/3		N/A		N/A
FHFA		7	Yes		21.45		82%						39%		0%		7/10		N/A		N/A
FLRA		26.21	Yes		19.59	N/A	74%						20%		0%		N/A		N/A		N/A
FRB		8	Yes		5	N/A	28%		N/A				2%		8%		N/A		N/A		N/A
MSPB		2	Yes		5.24	N/A	67%						45%		18%		4/10		1/3		N/A
NASA		7.08	Yes		10.88	N/A	32%						4%		67%		N/A		4/8		N/A

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Section V -- Steps Taken to Improve Timeliness in Responding to Requests (Req.) and Reducing Backlogs																				
	Requests for Expedition		Simple Track					Agency Backlog Decreased				Percentage of Backlog to # of Req./App. Received in FY 2022				Agency Closed Ten Oldest Req., Appeals (App.) & Consultations (Consults.). If not, # closed in FY 2022				
Agency	Score	Avg. No. of Days to Adjudicate	Has a Simple Track?	Score	Avg. No. of Days to Process	Processing Time Decrease	% of Req. In Simple Track	Req.	Process More Req.	App.	Process More App.	Req. Score	Req. %	App. Score	App. %	Req.	If no, # closed	App.	If no, # closed	Consults	If no, # closed
NCUA	N/A	N/A	Yes		10.18	N/A	15%		N/A		N/A		0%		0%		N/A		N/A		N/A
NEH		5.6	Yes		11.8	N/A	80%				N/A		4%		0%		N/A		N/A		N/A
NRC		<1	Yes		22.97		49%						43%		13%		1/10		1/2		0/1
NRPC		79	Yes		87.7		70%						113%		325%		0/10		0/10		N/A
NSF	N/A	N/A	Yes		61.2		25%				N/A		160%		0%		0/10		N/A		0/1
NTSB		31.33	Yes		36.97		53%				N/A		32%		0%		9/10		N/A		N/A
ODNI		<1	Yes		14.02	N/A	50%						110%		147%		2/10		1/10		7/8
OGE		5.2	No		32.3		77%	N/A		N/A			4%		0%		9/10		N/A		N/A
OMB		12	Yes		225		73%	N/A		N/A			224%		100%		1/10		7/10		N/A
OPM		2	Yes		84		65%		N/A				28%		17%		9/10		N/A		N/A
OSC		2.22	Yes		28.3		50%		N/A		N/A		1%		0%		N/A		N/A		N/A
OSHRC		8.3	Yes		4.3	N/A	91%		N/A		N/A		0%		0%		N/A		N/A		N/A
OSTP		8	Yes		409.25		52%				N/A		151%		0%		N/A		N/A		N/A
PC		1	Yes		98		63%				N/A		47%		0%		1/10		N/A		N/A
RRB	N/A	N/A	No		42.9		97%				N/A		3%		0%		N/A		N/A		N/A
TVA		10.29	Yes		13.03	N/A	58%				N/A		8%		0%		N/A		N/A		N/A
USAGM		6	No		286		99%				N/A		91%		100%		N/A		N/A		N/A
USAID		<1	Yes		180.75		1%						125%		83%		8/10		N/A		N/A
USTR		4	Yes		23.12		79%		N/A		N/A		2%		0%		N/A		N/A		N/A

2023 Chief FOIA Officer Reports - Assessment of Federal Departments and Agencies
Agencies Receiving More than 1,000 Requests (FY 2021)

Agency	CFO Level	Section I: FOIA Leadership and Applying the Presumption of Openness — Confirmation of Foreseeable Harm Standard in Response Letters	Section II: Ensuring Fair and Effective FOIA Administration — Training — Attended FOIA Training	Training — Estimate of FOIA Professionals who Attended Training		Inform Non-FOIA Staff of FOIA Obligations	Agency Conducted Outreach with Requester Community	Section III: Proactive Disclosures — Making Information More Useful	Section IV: Use of Technology — Reviewed Website	Quarterly Report Postings	FY 2021 Raw Data Posting	Interoperability with FOIA.gov
CIA	DG	R	DG	DG	100%	DG	R	DG	DG	DG	DG	DG
DHS	DG	DG	DG	DG	99%	DG	DG	DG	DG	DG	DG	Y
DOC	DG	Y	DG	DG	90%	DG	DG	DG	DG	DG	DG	DG
DOD	DG	Y	DG	DG	91%	DG	DG	DG	DG	DG	DG	Y
DOE	DG	DG	DG	LG	80%	DG	DG	DG	DG	DG	DG	DG
DOI	DG	DG	DG	DG	88%	DG	DG	DG	DG	DG	DG	DG
DOJ	DG	DG	DG	DG	86%	DG	DG	DG	DG	DG	DG	DG
DOT	DG	DG	DG	DG	85%	DG	DG	DG	DG	DG	DG	Y
ED	DG	Y	DG	DG	100%	DG	R	DG	DG	DG	DG	DG
EEOC	DG	DG	DG	DG	100%	DG	R	DG	DG	DG	DG	DG
EPA	DG	DG	DG	DG	93%	DG	DG	DG	DG	DG	DG	DG
FTC	DG	DG	DG	LG	80%	DG	DG	DG	DG	DG	R	DG
GSA	DG	DG	DG	DG	100%	DG	R	R	DG	DG	DG	DG
HHS	DG	Y	DG	DG	95%	DG	DG	DG	DG	DG	DG	Y
HUD	DG	DG	DG	DG	85%	DG	R	DG	DG	DG	DG	Y

Agency	CFO Level	Section I: FOIA Leadership and Applying the Presumption of Openness — Confirmation of Foreseeable Harm Standard in Response Letters	Section II: Ensuring Fair and Effective FOIA Administration — Training — Attended FOIA Training	Estimate of FOIA Professionals who Attended Training		Inform Non-FOIA Staff of FOIA Obligations	Agency Conducted Outreach with Requester Community	Section III: Proactive Disclosures — Making Information More Useful	Section IV: Use of Technology — Reviewed Website	Quarterly Report Postings	FY 2021 Raw Data Posting	Interoperability with FOIA.gov
Labor	DG	Y	DG	DG	100%	DG	DG	DG	DG	DG	DG	Y
NARA	DG	Y	DG	DG	95%	DG	DG	DG	DG	DG	DG	Y
NLRB	DG	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG	DG
PBGC	DG	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG	DG
SBA	DG	R	DG	DG	91%	DG	R	DG	DG	R	DG	DG
SEC	DG	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG	DG
SSA	DG	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG	DG
State	DG	DG	DG	DG	90%	DG	DG	DG	DG	DG	DG	DG
Treasury	DG	Y	DG	DG	90%	DG	DG	DG	DG	DG	DG	Y
USDA	DG	DG	DG	DG	94%	DG	DG	DG	DG	DG	DG	DG
USPS	DG	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG	DG
VA	DG	DG	DG	DG	100%	DG	DG	DG	DG	DG	R	DG

Agency	Requests for Expedition Score	Avg. No. of Days to Adjudicate	Has a Simple Track?	Score	Avg. No. of Days to Process	Processing Time Decrease	% of Req. In Simple Track	Req.	Process More Req.	App.	Process More App.	Req. Score	Req. %	App. Score	App. %	Req.	If no, # closed	App.	If no, # closed	Consults	If no, # closed
CIA	O	11.15	Yes	DG	10.33	N/A	10%	R	R	DG	N/A	R	125%	R	334%	R	2/10	R	0/10	R	5/10
DHS	DG	6	Yes	DG	11	N/A	22%	R	DG	DG	N/A	DG	10%	DG	6%	R	8/10	DG	N/A	R	8/10
DOC	R	17.87	Yes	R	61.01	R	66%	R	R	R	DG	R	51%	R	286%	R	4/10	R	3/10	R	6/10
DOD	R	118	Yes	R	39.61	R	42%	R	DG	DG	N/A	O	34%	R	69%	R	8/10	DG	N/A	R	5/10
DOE	DG	6.71	Yes	R	41.74	DG	54%	R	DG	Y	DG	R	45%	R	41%	R	3/10	R	1/10	R	2/10
DOI	R	22.5	Yes	R	123.31	R	63%	R	DG	DG	N/A	R	75%	R	137%	R	7/10	DG	N/A	DG	N/A
DOJ	R	22.23	Yes	R	134.03	R	54%	R	DG	DG	N/A	R	70%	LG	16%	DG	N/A	DG	N/A	DG	N/A
DOT	R	31.72	Yes	R	51.41	DG	89%	R	DG	R	R	Y	28%	R	222%	R	6/10	R	0/10	R	4/10
ED	R	13.24	Yes	DG	5.67	N/A	58%	R	R	DG	N/A	R	66%	R	67%	DG	N/A	DG	N/A	DG	N/A
EEOC	R	16.04	Yes	DG	12.38	N/A	92%	DG	N/A	DG	N/A	DG	0%	LG	14%	R	5/10	DG	N/A	DG	N/A
EPA	DG	3.39	Yes	R	40.86	DG	47%	R	R	DG	N/A	Y	23%	DG	0%	R	8/10	DG	N/A	DG	N/A
FTC	DG	5.4	Yes	DG	5.44	N/A	58%	R	DG	DG	N/A	DG	1%	DG	0%	DG	N/A	DG	N/A	DG	N/A
GSA	DG	3.69	Yes	DG	10.51	N/A	36%	DG	N/A	DG	N/A	Y	21%	DG	8%	R	9/10	DG	N/A	DG	N/A
HHS	DG	7.99	Yes	R	29.63	DG	31%	R	DG	DG	N/A	Y	29%	R	132%	R	6/10	R	3/10	R	9/10
HUD	R	13.27	Yes	R	80.17	DG	68%	DG	N/A	Y	DG	O	34%	LG	14%	R	7/10	DG	N/A	DG	N/A
Labor	R	39.6	Yes	R	49.16	R	49%	R	DG	DG	N/A	DG	10%	R	154%	R	5/10	DG	N/A	R	2/5
NARA	DG	7	Yes	R	141	R	93%	DG	N/A	R	R	R	67%	R	191%	R	6/10	R	0/10	DG	N/A
NLRB	DG	2.54	No	DG	12.05	N/A	77%	R	DG	DG	N/A	DG	1%	DG	0%	R	6/10	DG	N/A	DG	N/A
PBGC	Y	10.87	Yes	DG	15.98	N/A	61%	DG	N/A	DG	N/A	DG	0%	DG	0%	DG	N/A	DG	N/A	DG	N/A

Section V -- Steps Taken to Improve Timeliness in Responding to Requests (Req.) and Reducing Backlogs

Agency	Requests for Expedition Score	Requests for Expedition Avg. No. of Days to Adjudicate	Simple Track Has a Simple Track?	Simple Track Score	Simple Track Avg. No. of Days to Process	Simple Track Processing Time Decrease	Simple Track % of Req. In Simple Track	Agency Backlog Decreased Req.	Agency Backlog Decreased Process More Req.	Agency Backlog Decreased App.	Agency Backlog Decreased Process More App.	Percentage of Backlog Req. Score	Percentage of Backlog Req. %	Percentage of Backlog App. Score	Percentage of Backlog App. %	Agency Closed Ten Oldest Req.	If no, # closed	App.	If no, # closed	Consults	If no, # closed
SBA	R	76	Yes	R	60	R	56%	DG	N/A	R	DG	DG	6%	O	34%	R	2/10	DG	N/A	DG	N/A
SEC	DG	2.68	Yes	DG	7.78	N/A	77%	R	R	DG	N/A	DG	5%	DG	0%	R	5 /10	DG	N/A	DG	N/A
SSA	DG	4	Yes	DG	8	N/A	96%	Y	R	R	DG	DG	1%	DG	5%	DG	N/A	R	9/10	DG	N/A
State	DG	8	Yes	R	40	DG	13%	R	R	R	DG	R	135%	R	92%	R	0/10	R	7/10	R	4/10
Treasury	R	80.44	Yes	DG	15.97	N/A	20%	R	R	R	DG	Y	22%	O	30%	R	5/10	R	0/10	R	2/10
USDA	R	29.91	Yes	O	23.86	R	90%	DG	N/A	DG	N/A	LG	12%	R	109%	DG	N/A	DG	N/A	DG	N/A
USPS	DG	3.56	Yes	DG	16.92	N/A	82%	DG	N/A	Y	R	DG	2%	DG	1%	DG	N/A	DG	N/A	DG	N/A
VA	R	16.89	Yes	DG	16.63	N/A	75%	DG	N/A	R	R	DG	4%	R	55%	DG	N/A	DG	N/A	DG	N/A

Section V -- Steps Taken to Improve Timeliness in Responding to Requests (Req.) and Reducing Backlogs

Agency	CFO Level	Confirmation of Foreseeable Harm Standard in Response Letters	Training		Inform Non-FOIA Staff of FOIA Obligations	Making Information More Useful	Reviewed Website	Quarterly Report Postings	FY 2021 Raw Data Posting	Interoperability with FOIA.gov
			Attended FOIA Training	Estimate of FOIA Professionals who Attended Training						
CEQ	DG	DG	DG	80%	DG	DG	DG	DG	DG	DG
CFPB	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
CFTC	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
CIGIE	DG	DG	DG	33%	DG	DG	DG	DG	DG	DG
CPSC	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
CSB	DG	R	DG	100%	DG	DG	DG	Y	DG	DG
CSOSA	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
DFC	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
EAC	DG	DG	DG	100%	DG	DG	DG	R	DG	DG
Ex-Im	DG	DG	DG	89%	DG	DG	DG	DG	DG	DG
FCA	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
FCC	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
FDIC	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
FEC	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
FHFA	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG

			Section I: FOIA Leadership and Applying the Presumption of Openness			Section II: Ensuring Fair and Effective FOIA Administration				Section III: Proactive Disclosures	Section IV: Use of Technology			
				Training										
Agency	CFO Level	Confirmation of Foreseeable Harm Standard in Response Letters	Attended FOIA Training	Estimate of FOIA Professionals who Attended Training	Inform Non-FOIA Staff of FOIA Obligations	Making Information More Useful	Reviewed Website	Quarterly Report Postings	FY 2021 Raw Data Posting	Interoperability with FOIA.gov
FLRA	DG	R	DG	80%	DG	DG	DG	Y	DG	DG
FRB	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
MSPB	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
NASA	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
NCUA	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
NEH	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
NRC	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
NRPC	DG	R	DG	100%	DG	R	DG	DG	R	DG
NSF	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
NTSB	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
ODNI	DG	DG	DG	100%	DG	R	DG	DG	DG	DG
OGE	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
OMB	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
OPM	DG	DG	DG	100%	DG	R	DG	DG	R	DG
OSC	DG	DG	DG	100%	DG	DG	DG	Y	R	DG

| Agency | CFO Level | Section I: FOIA Leadership and Applying the Presumption of Openness | Section II: Ensuring Fair and Effective FOIA Administration | | | Section III: Proactive Disclosures | Section IV: Use of Technology | | | |
| | | Confirmation of Foreseeable Harm Standard in Response Letters | Training | | Inform Non-FOIA Staff of FOIA Obligations | Making Information More Useful | Reviewed Website | Quarterly Report Postings | FY 2021 Raw Data Posting | Interoperability with FOIA.gov |
			Attended FOIA Training	Estimate of FOIA Professionals who Attended Training						
OSHRC	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
OSTP	DG	DG	DG	100%	DG	DG	DG	Y	DG	DG
PC	DG	DG	DG	80%	DG	DG	DG	R	DG	DG
RRB	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
TVA	DG	DG	DG	90%	DG	DG	DG	DG	DG	DG
USAGM	DG	R	DG	100%	DG	DG	R	R	R	DG
USAID	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG
USTR	DG	DG	DG	100%	DG	DG	DG	DG	DG	DG

	Requests for Expedition		Simple Track					Agency Backlog Decreased				Percentage of Backlog to # of Req./App. Received in FY 2022				Agency Closed Ten Oldest Req., Appeals (App.) & Consultations (Consults.). If not, # closed in FY 2022					
Agency	Score	Avg. No. of Days to Adjudicate	Has a Simple Track?	Score	Avg. No. of Days to Process	Processing Time Decrease	% of Req. In Simple Track	Req.	Process More Req.	App.	Process More App.	Req. Score	Req. %	App. Score	App. %	Req.	If no, # closed	App.	If no, # closed	Consults	If no, # closed
CEQ	N/A	N/A	Yes	R	63.96	DG	61%	R	R	DG	N/A	O	34%	DG	0%	R	5/10	DG	N/A	DG	N/A
CFPB	DG	1.69	Yes	DG	6.14	N/A	63%	R	DG	DG	N/A	LG	11%	DG	0%	R	9/10	DG	N/A	DG	N/A
CFTC	DG	5.43	Yes	O	23.59	DG	32%	DG	N/A	DG	N/A	DG	2%	DG	0%	DG	N/A	DG	N/A	DG	N/A
CIGIE	N/A	N/A	Yes	DG	1	N/A	13%	DG	N/A	Y	DG	Y	27%	LG	17%	DG	N/A	DG	N/A	DG	N/A
CPSC	DG	9	Yes	R	118	R	21%	DG	N/A	DG	N/A	R	96%	DG	0%	R	6/10	DG	N/A	DG	N/A
CSB	R	44	Yes	R	54	R	22%	Y	DG	DG	N/A	Y	21%	DG	0%	R	0/10	DG	N/A	DG	N/A
CSOSA	DG	2	Yes	DG	3	N/A	39%	DG	N/A	DG	N/A	DG	0%	DG	0%	DG	N/A	DG	N/A	DG	N/A
DFC	DG	10	Yes	R	109.87	R	68%	DG	N/A	DG	N/A	R	135%	DG	0%	R	0/10	DG	N/A	DG	N/A
EAC	DG	8	Yes	R	92	R	82%	DG	N/A	DG	N/A	DG	1%	DG	0%	R	9/10	DG	N/A	DG	N/A
Ex-Im	DG	5.5	Yes	R	40.52	DG	53%	DG	N/A	Y	Y	LG	17%	R	50%	R	7/10	DG	N/A	DG	N/A
FCA	N/A	N/A	No	DG	12.5	N/A	100%	DG	N/A	DG	N/A	DG	0%	DG	0%	DG	N/A	DG	N/A	DG	N/A
FCC	DG	6.62	Yes	DG	17.17	N/A	81%	R	R	Y	R	DG	6%	R	111%	R	4/10	R	2/8	DG	N/A
FDIC	DG	6.44	Yes	DG	15.21	N/A	44%	DG	N/A	DG	N/A	DG	2%	DG	0%	R	8/10	DG	N/A	DG	N/A
FEC	R	33	No	DG	9	N/A	35%	Y	R	DG	N/A	DG	4%	DG	0%	R	2/3	DG	N/A	DG	N/A
FHFA	DG	7	Yes	LG	21.45	R	82%	R	R	DG	N/A	O	39%	DG	0%	R	7/10	DG	N/A	DG	N/A
FLRA	R	26.21	Yes	DG	19.59	N/A	74%	R	DG	DG	N/A	LG	20%	DG	0%	DG	N/A	DG	N/A	DG	N/A
FRB	DG	8	Yes	DG	5	N/A	28%	DG	N/A	Y	DG	DG	2%	DG	8%	DG	N/A	DG	N/A	DG	N/A
MSPB	DG	2	Yes	DG	5.24	N/A	67%	R	R	DG	N/A	R	45%	LG	18%	R	4/10	R	1/3	DG	N/A
NASA	DG	7.08	Yes	DG	10.88	N/A	32%	R	DG	DG	N/A	DG	4%	R	67%	DG	N/A	R	4/8	DG	N/A

| | Section V -- Steps Taken to Improve Timeliness in Responding to Requests (Req.) and Reducing Backlogs | | | | | | | | | | | | | | | | | | |
| | Requests for Expedition | | Simple Track | | | | | Agency Backlog Decreased | | | | Percentage of Backlog to # of Req./App. Received in FY 2022 | | | | Agency Closed Ten Oldest Req., Appeals (App.) & Consultations (Consults.). If not, # closed in FY 2022 | | | | |
Agency	Score	Avg. No. of Days to Adjudicate	Has a Simple Track?	Score	Avg. No. of Days to Process	Processing Time Decrease	% of Req. In Simple Track	Req.	Process More Req.	App.	Process More App.	Req. Score	Req. %	App. Score	App. %	Req.	If no, # closed	App.	If no, # closed	Consults	If no, # closed
NCUA	N/A	N/A	Yes	DG	10.18	N/A	15%	DG	N/A	DG	N/A	DG	0%	DG	0%	DG	N/A	DG	N/A	DG	N/A
NEH	DG	5.6	Yes	DG	11.8	N/A	80%	Y	R	DG	N/A	DG	4%	DG	0%	DG	N/A	DG	N/A	DG	N/A
NRC	DG	<1	Yes	Y	22.97	Y	49%	Y	R	Y	DG	R	43%	LG	13%	R	1/10	R	1/2	R	0/1
NRPC	R	79	Yes	R	87.7	R	70%	R	DG	Y	DG	R	113%	R	325%	R	0/10	R	0/10	DG	N/A
NSF	N/A	N/A	Yes	R	61.2	DG	25%	R	R	DG	N/A	R	160%	DG	0%	R	0/10	DG	N/A	R	0/1
NTSB	R	31.33	Yes	R	36.97	R	53%	R	R	DG	N/A	O	32%	DG	0%	R	9/10	DG	N/A	DG	N/A
ODNI	DG	<1	Yes	DG	14.02	N/A	50%	R	R	R	R	R	110%	R	147%	R	2/10	R	1/10	R	7/8
OGE	DG	5.2	No	R	32.3	DG	77%	DG	N/A	DG	N/A	DG	4%	DG	0%	R	9/10	DG	N/A	DG	N/A
OMB	O	12	Yes	R	225	R	73%	DG	N/A	DG	N/A	R	224%	R	100%	R	1/10	R	7/10	DG	N/A
OPM	DG	2	Yes	R	84	DG	65%	DG	N/A	Y	Y	R	28%	LG	17%	R	9/10	DG	N/A	DG	N/A
OSC	DG	2.22	Yes	R	28.3	DG	50%	DG	N/A	DG	N/A	DG	1%	DG	0%	DG	N/A	DG	N/A	DG	N/A
OSHRC	DG	8.3	Yes	DG	4.3	N/A	91%	DG	N/A	DG	N/A	DG	0%	DG	0%	DG	N/A	DG	N/A	DG	N/A
OSTP	DG	8	Yes	R	409.25	R	52%	R	R	DG	N/A	R	151%	DG	0%	DG	N/A	DG	N/A	DG	N/A
PC	DG	1	Yes	R	98	R	63%	R	DG	DG	N/A	R	47%	DG	0%	R	1/10	DG	N/A	DG	N/A
RRB	N/A	N/A	No	R	42.9	R	97%	Y	R	DG	N/A	DG	3%	DG	0%	DG	N/A	DG	N/A	DG	N/A
TVA	LG	10.29	Yes	DG	13.03	N/A	58%	R	DG	DG	N/A	DG	8%	DG	0%	DG	N/A	DG	N/A	DG	N/A
USAGM	DG	6	No	R	286	R	99%	Y	Y	DG	N/A	R	91%	R	100%	DG	N/A	DG	N/A	DG	N/A
USAID	DG	<1	Yes	R	180.75	DG	1%	R	DG	Y	DG	R	125%	R	83%	R	8/10	DG	N/A	DG	N/A
USTR	DG	4	Yes	O	23.12	DG	79%	DG	N/A	DG	N/A	DG	2%	DG	0%	DG	N/A	DG	N/A	DG	N/A