

## **XII. REPORT ON EXECUTIVE ORDER IMPLEMENTATION**

The reporting period for Section XII of this Annual Report is different from the rest of the Report. The reporting period for all other portions of the Report is Fiscal Year 2007. The reporting period for Section XII includes progress made by components through December 2007 and often into January 2008, and does include some FY07-based consultation reporting. Consequently, the statistics reported in Part F of this section have slightly different ending dates. This is the first annual report to request the consultation data specified in Part F. Consequently, several components did not have the tracking system to compute this data for FY07. These components, however, are now preparing to collect this data so that it can be reported for FY08.

### **OFFICE OF INFORMATION AND PRIVACY (OIP)**

The Office of Information and Privacy (OIP) processes Freedom of Information Act/Privacy Act (FOIA/PA) requests for records it maintains as well as records maintained by the following seven senior leadership offices in the Department of Justice: Office of the Attorney General, Office of the Deputy Attorney General, Office of the Associate Attorney General, Office of Legal Policy, Office of Intergovernmental and Public Liaison, Office of Legislative Affairs, and Office of Public Affairs. As a result, OIP's Executive Order implementation activities address the FOIA processing improvement efforts for all those offices.

#### **A. Description of supplementation/modification of agency improvement plan (if applicable)**

OIP modified its plan in October with regard to the two remaining goals regarding use of information technology. This was done for two reasons. First, the scope of the initial goal of a new electronic FOIA processing system evolved into a potential "enterprise" solution with applicability beyond OIP. Thus, it was necessary to modify this goal to reflect the expanded scope of this new approach. Second, the integration of a scanning copier into the Department's computer network (JCON) involved unforeseen security requirements. Because this was the first time that a Department component sought approval for such software and hardware on the network, it required extensive testing to meet security requirements. Accordingly, the plan was modified to reflect the greater complexity of both of these goals.

#### **B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area**

The Office of Information and Privacy has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed by January 15, 2008. During the past year, OIP continued to use the procedures established during 2006 to improve the records search process and to encourage timely attention to consultations with other agencies and components of the Department. (These procedures are fully described in Section XII of OIP's section of the Department of Justice FOIA Report for Fiscal Year 2006.)

In the area of customer service, all new FOIA Specialists were given training (developed as part of OIP's 2006 goals) that emphasizes the importance of treating FOIA requesters with courtesy and respect. Additionally, OIP continued to review its and its client offices' Web pages on a quarterly basis to ensure that they are up to date and complete, using the new protocol for the identification of records that are appropriate for inclusion on the Web established in 2006.

Of particular importance is OIP's continued success in reducing its backlog. As reported last year, OIP met all the backlog reduction goals for initial requests established in its plan by reducing its backlog in 2006 by twenty-two percent. During 2007, OIP continued to decrease its backlog, this time by an additional ten percent. Moreover, as part of the backlog reduction effort, OIP closed its ten oldest pending FOIA requests.

OIP also greatly exceeded its parallel backlog reduction goal for adjudicating administrative appeals. The backlog reduction goal set for administrative appeals was a thirty percent reduction in pending appeals. OIP far surpassed that goal and has decreased its backlog of pending appeals by forty-one percent, including the ten oldest appeals.

Additionally, OIP has continued to make extensive progress toward the goal of greater use of sophisticated information technology as part of a comprehensive electronic processing solution. This past year, OIP has worked extensively with the Enterprise Solutions Staff (ESS) within the Justice Management Division (JMD) to complete evaluation of a feasibility study and market assessment. This feasibility study provided the basis for the development of a Statement of Work for a potential "enterprise" solution to include at least two other components within the Department of Justice, with the possible inclusion of additional components in the future. Accordingly, ESS, OIP, and two other components within Justice met on numerous occasions to develop joint business requirements for the final Statement of Work. OIP and the other two components identified a comprehensive list of requirements for an enterprise solution, which were compiled by ESS into the Statement of Work. In addition, OIP met with JMD budget staff to discuss funding for the new system. Once funding for this project has been appropriated, OIP will begin working with a contracting officer.

OIP also completed all requirements related to the purchase and installation of software and hardware that allows for the scanning of unclassified material onto a copier with the ability to save the data directly to JCON. To accomplish this goal, OIP worked extensively with the computer staff of JMD. JMD worked with the vendor to evaluate the software and hardware for security purposes for placement on the JCON network. JMD conducted extensive security testing to ensure compliance with Department policy and technical requirements and conducted an on-site security evaluation of OIP's existing hardware and network connection. OIP is now able to scan and save to the JCON network using the copier, which allows documents to be processed electronically, a much faster procedure than processing manually. The vendor provided training on the scanning feature and OIP has requested additional training in order to take advantage of the more advanced features, which will be held this spring.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

In addition to its own responsibilities in implementing the Executive Order for the offices serviced by OIP and for OIP itself, OIP coordinated the Department's efforts to facilitate, in conjunction with OMB, governmentwide compliance with Executive Order 13,392. As part of this efforts, OIP held workshops on various provisions of the Executive Order, issued written guidance, and worked extensively with officials throughout the government as they implemented their plans and prepared their reports.

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests				May 29 Nov 26	May 18* Oct 26 Dec 7 Dec 7	Jan 24 Mar 3 Mar 15 May 18		

\* Closed January 3, 2008

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
3	6	5

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received				May 29 June 26*		Jan 8*	June 1	Mar 17*	

\*Closed between January 1 and 15, 2008; therefore, OIP has a total of two pending consultations.

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**ANTITRUST DIVISION**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Antitrust Division has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed

for this reporting period. In the last twelve months, the Division reduced its backlog of pending requests by 50%, far exceeding its goal as stated in the FOIA Improvement Plan. The Antitrust Division continues its efforts to further reduce the backlog with an emphasis on responding to the oldest requests.

To be more customer-friendly, an e-mail address link has been posted on the Division's FOIA Web site so requests can now be submitted electronically. The use of e-mails has proven to be a quick and convenient means of communication between requesters and the FOIA/Privacy Act Unit. In addition to offering the public an additional way to submit a request, other than by mail or fax, e-mails also allow requesters and the FOIA staff to communicate on matters involving the scope and status of pending requests. During FY07, the Antitrust Division received 19% of the total number of FOIA requests via the e-mail address posted on the Division's FOIA Web site. For CY07, the Division received 26% of the total number of FOIA requests via e-mail.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Requests	June 3 Sept 3			Apr 16	Aug 4 Aug 4 Oct 21	July 16 Aug 26	Jan 14 Mar 17		

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending,

in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period. In particular, ATF continued to reduce the backlog of requests over twenty days old, and reduced the number of pending requests by 15% from the previous fiscal year. During this reporting period, ATF began to respond to requests electronically, or in electronic format whenever possible. By the end of FY07, ATF responded to more than 15% of all requests electronically. Responding to requests via e-mail greatly contributed to an improvement in response times to requesters, as well as cost reduction to both ATF and requesters.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests								Jan 4 Jan 23 Feb 23 Feb 27 Mar 19 Mar 27 Apr 10 May 1 June 14 June 28

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**FEDERAL BUREAU OF PRISONS (BOP)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Federal Bureau of Prisons (BOP) has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period. Most notably, BOP continues to review its Web site to ensure information is easily located, presented in a clear and precise manner, and accurate. The Web site is also reviewed by BOP to ensure that it is current and includes the posting of (a)(2) materials. BOP has also made proactive disclosures of information. BOP instituted procedures in 2006 that ensure compliance with time limits for expedited processing and improved handling of referrals and consultations. These procedures continue to be in effect. An intensive study of FOIA processing practices and procedures was undertaken with preliminary recommendations for decentralizing the current structure. Finally, and most importantly, BOP significantly exceeded its backlog reduction goals.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable



E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	0	0	0	0	0	Dec 12	Feb 2 Mar 20 Mar 24 Mar 27 May 10 June 19 June 21 July 11 June 12	0

2. Consultations

BOP does not have the capability to track consultations received, but will begin tracking in 2008. BOP is able to report that there are no pending consultations because it is the practice of BOP is to process consultations immediately upon receipt.

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**CIVIL DIVISION**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Civil Division has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed

for this reporting period. These milestones include the following:

In the improvement area of "FOIA Web site function and content," Civil continued a periodic review and maintenance of the Civil Division FOIA Web site to insure proper operation. The Web site was periodically tested and is functioning properly. Civil continues to add records as it determines appropriate to meet its obligations.

In the improvement area of "Electronic receipt/response for FOIA requests," Civil completed an analysis of electronic receipt/response of FOIA requests. As a result of its analysis, it was determined that it would not be necessary to institute electronic receipt/response at this time. However, Civil uses electronic responses on a limited basis when it is feasible and requested by the requester.

Civil also successfully reviewed its practices relating to the trigger used for acknowledgment letters. After review, Civil determined that the current process of triggering acknowledgment letters for requests over twenty days old was sufficient. The current docket report is reviewed weekly and it identifies requests requiring acknowledgment letters. No modification to letters was required.

Furthermore, customer service objectives were thoroughly reviewed with Civil's staff. Civil also cross-trained personnel to support FOIA processing. One member of its support staff was cross trained to support FOIA operations, including docketing of requests.

Lastly, Civil reviewed and has met E-FOIA internet publication requirements. Civil is current in its obligation to post records online.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests								Oct 22 Nov 1 Nov 1 Nov 1 Nov 1 Nov 1 Nov 1 Nov 14 Nov 14 Nov 19

## 2. Consultations

The Civil Division does not have the capability to track consultations received, but will begin tracking in 2008. The Civil Division, however, can report it has no pending consultations requested by other agencies or DOJ components.

### G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

## CIVIL RIGHTS DIVISION (CRT)

### A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

### B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Civil Rights Division has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period. In its FOIA Improvement Plan, the Civil Rights Division identified several areas that held the Division's greatest potential for improvement. A 2006 initiative by the Division's upper-level management highlighted FOIA as a Division priority. This initiative provided the Division with the requisite impetus to reduce its median turnaround time on responding to complex requests. In accordance with Executive Order 13,392, the shift in emphasis went far in resolving the deficiency in the one area of FOIA production that needed attention. Median turnaround time for complex requests dropped from 359 days in FY05 to a current level of fifty-nine days by the end of FY07. Median Division turnaround time for simple requests has continued to fall from eight days during FY05 to the current median turnaround time of five days.

The Division has made significant enhancements in developing its electronic reading room, including collecting and scanning thousands of pages of “frequently requested records.” In other areas, the Branch’s staff replacement has kept up with the public demand for requests, and the Branch has emphasized courtesy and timeliness in its interactions with the public and other federal offices.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

The Civil Rights Division continues to maintain its lowest level of backlog since 1976. At that time the FOIA Branch received approximately 1/4 to 1/5 of its current number of incoming requests.

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests							Jul 18 Nov 9	Feb 5 Mar 15 Mar 22 Apr 18 May 15 May 23 June 4

2. Consultations

The Civil Rights Division does not have capability to track consultations received, but will begin tracking in 2008. The Division's backlog is so low at this time that, after taking a manual review of the pending requests, the Civil Rights Division can report that it currently has no pending consultations.

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

### **COMMUNITY RELATIONS SERVICE (CRS)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Community Relations Service (CRS) has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period. CRS also reports that the number of FOIA requests received by CRS over the past five years has averaged between five and thirteen requests annually. Most of these requests (e.g., eleven of the thirteen requests received in 2007) were "no record" responses. This has been the pattern for over five years. Based on this pattern and the fact that CRS has not had any backlog cases for over five years, CRS' current FOIA response system seems to be working well.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	0	0	0	0	0	0	0	0

## 2. Consultations

### i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

### ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

## G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

## CRIMINAL DIVISION

### A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

### B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Criminal Division's FOIA/PA Unit has been successful in meeting all but two of the milestones set out in its FOIA Improvement Plan. Due to the retirement of several employees, and the loss of an employee, the Criminal Division has spent much of 2007 advertising, interviewing, and selecting replacements for these positions (including the Chief of the Unit). As of this report, one analyst and one secretary have been hired. The Division is waiting for another analyst and the Chief to be cleared to begin work.

An attorney was assigned on detail to work specifically on backlog reduction focusing on the Criminal Division's oldest cases. This assignment has resulted in the Division's ability to make significant progress toward its backlog reduction milestone for the first time, dropping from 892 cases in January 2007 to 713 in January 2008, for a total of 179 cases closed. As explained below, this is short of the milestone set in the improvement plan, however, given the staffing concerns discussed above, the Division is continuing to make significant progress in this area.

Although the Criminal Division met its goal of updating its training manual in 2006, it was determined that a new, more expanded format for the manual would be beneficial. An analyst has been working on this new improved manual, complete with examples and a reference section that is scheduled to be completed in the near future. This manual will not only streamline the training process, but should become an invaluable guide for the Division's current processors.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

1. FOIA Improvement Plan area to which the deficient milestone relates.

Web site

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Develop a better system to obtain subsection (a)(2) material from the Criminal Division sections in a timely manner so that it can be posted on the Web site, by December 31, 2006, and updated in the Executive Order status report to December 31, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

Most of the individual sections of the Criminal Division continue to post a large volume of information on their own Web sites that is available to the public.

4. Future remedial steps and the dates by which the steps will be completed.

The Criminal Division anticipates that once its staffing situation normalizes it will be able to devote more resources to this area. In addition, the Division is pursuing the possibility of hiring contractors to work on the backlog and the FOIA Web site. The Criminal Division is hopeful that this milestone will be

completed by December 31, 2008.

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1. FOIA Improvement Plan area to which the deficient milestone relates.

Backlog reduction

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Achieve backlog reduction in proportionate amounts, by January 15, 2008.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

As mentioned above, an attorney was assigned on detail to work specifically on backlog reduction, focusing on the Criminal Division's oldest cases. This assignment has resulted in the Division closing 179 cases since January 2007, including 152 in the past five months.

4. Future remedial steps and the dates by which the steps will be completed.

As the Criminal Division staffing continues to normalize, the Division can continue to concentrate more resources in this improvement area. Although the milestones in this area are extremely aggressive given the office's limited resources, the Criminal Division still anticipates achieving its overall goal in this improvement area by December 31, 2008.

- D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

- E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

- F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.



Calendar Year	1991	1992	1993	1994	1995	1996	1997	1998
Requests	Feb 25	Feb 12	Feb 24 May 3 May 28 June 16 July 15 Aug 25	Jan 10 Jan 14				

## 2. Consultations

### i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
12	30	43

### ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1997	1998	1999	2000	2001	2002	2003	2004	2005
Consults Received	May 15			Mar 17		June 14 Nov 22	Feb 4 Feb 21 July 9	Jan 28 Sept 8 Oct 19	

## G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

## **DRUG ENFORCEMENT ADMINISTRATION (DEA)**

### A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

### B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The overall implementation progress has gone very well. DEA has accomplished three out of the five improvement areas in the plan. One major obstacle encountered during this implementation period for the remaining two improvement areas has been budgetary constraints. This is outside the agency's control. In conjunction with the budget constraints, DEA instituted a self-imposed hiring freeze.

Still, DEA has been able to achieve some backlog reduction. The reduction can be attributed to several factors, including the continued effort by DEA Program Offices to post information regarding policy statements, agency opinions, staff manuals, etc., on the DEA Web site for the public's review. Also, continuous communication with requesters regarding their requests has helped to identify documents already in the public domain, identify the specific types of records which an individual is requesting, and ensure that all documents needed from the requester are included with the request.

### C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

#### 1. FOIA Improvement Plan area to which the deficient milestones relates

Backlog reduction/elimination

#### 2. Deficient milestone and the original target date from the FOIA Improvement Plan

To reduce the existing backlog of pending FOIA requests by a proportional ratio of a percentage each year to include a quarterly reduction of 2% of existing pending cases more than twenty days old. This will be completed by periodically and consistently focusing on the existing backlog, by December 31, 2006 and continuing thereafter.

#### 3. Steps taken to correct the deficiency and the dates by which the steps were completed.

DEA has implemented all steps indicated in the plan; however, DEA has not achieved the goal of reducing the backlog by two percent on a quarterly basis. This deviation from this goal is in large part due to a reduction in staffing resources. Current staff stands at 76% with seven vacancies.

DEA also notes that during this fiscal year, its FOIA office was selected to

participate in an OMB Circular A-76 "Streamlined Competition Process." DEA prevailed and won the bid to keep the FOIA operation governmental.

4. Future remedial steps and the dates by which the steps will be completed.

DEA has evaluated the entire process of handling all FOIA/PA requests. This re-evaluation enabled DEA to reduce the "touch points" when handling a request, which in turn speeds the process in responding to requests. By March 1, 2008, DEA will begin all phases in reducing the "touch points" when handling a request.

FOIA/PA Specialists who handle the initial review of FOIA/PA requests will communicate with requesters regarding their requests in order to process the documents at a faster pace. This could include the identification of documents already in the public domain, communicating the deficiencies that may be involved in their request to allow them to perfect them quickly, and communicating the status of requests received by DEA. By March 1, 2008, all changes to requester communication will be fully implemented.

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1. FOIA Improvement Plan area to which this deficient milestone relates.

Automated tracking capabilities; Electronic FOIA; multi-track processing

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Analysis of data/feedback. Review data collected to rank alternative tools; seek price quotes and funding, by March 31, 2007.

Proceed with acquisition phase, by June 30, 2007.

Proceed with spiral development and testing, by September 30, 2007 and December 31, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were not completed.

DEA had completed the first two steps under this goal. Budgetary constraints delayed further implementation of this goal. Consequently, DEA was unable to complete the next three steps, including seeking price quotes and funding, proceeding with acquisition phase, and proceeding with spiral development and testing with an implementation of a new system.

4. Future remedial steps and the dates by which the steps will be completed.

Step 1. DEA will have an estimated cost and draft acquisition paperwork in place

for the technical review and analysis of Commercial-off-the-Shelf (COTS) FOIA products by the end of January 2008. The anticipated time to complete the review is six months after receipt of funding.

Step 2. DEA will review the results of step one and decide which, if any, COTS package meets the technical requirements of DEA. DEA will obtain the price of technically acceptable COTS packages and decide which package to purchase. Anticipated time to complete this task is two months after completion of Step 1.

Step 3. DEA will acquire the desired product upon receipt of funding identified in Step 2. Anticipated acquisition lead time and delivery for a COTS product is three to six months after receipt of funding.

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests					Dec 31	Feb 15 Mar 15 Mar 17 Mar 18 Apr 06 Apr 21 May 13 June 13 July 28		

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
40	19	21

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received								May 2 July 25 Aug 14 Oct 12	Jan 25 Mar 2 Mar 2 Mar 20 Mar 20 Mar 22

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**ENVIRONMENT AND NATURAL RESOURCES DIVISION (ENRD)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Environment and Natural Resources Division (ENRD) has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period. In particular, ENRD's backlog

of FOIA requests has decreased as a result of its improvement plan; a backlog of thirty requests at the end of FY05 was reduced to nineteen backlogged requests at the conclusion of FY07. ENRD is committed to continuing to improve agency-requester relations, to processing of FOIA requests more efficiently, and to reducing its backlog of FOIA requests.

Goal 1 of ENRD's FOIA Improvement Plan was to consult with the Executive Office prior to sending out complex FOIA requests to ENRD's component section contacts. This has become an established practice in ENRD FOIA processing, and has allowed for more efficient document search coordination with component sections.

Goal 2, to facilitate accurate billing of attorney time spent on FOIA (which was implemented in 2006), has resulted in improvement with the creation of specific time-billing codes in the Division's Case Management System for each open FOIA request.

Goal 3, to reduce its FOIA backlog by 10% each year, has been met and surpassed, with backlog dropping from thirty to nineteen requests between 2005 and 2007.

Goal 4, to convene ENRD FOIA staff annually for the purpose of brainstorming improvements and updating personnel on changes to processing procedures has been successfully carried out. ENRD conducted a FOIA personnel meeting in January 2007, and plans to conduct another one in January 2008.

ENRD's final FOIA improvement goal, to emphasize courtesy when communicating with requesters (which was implemented in 2006), continues to be a point of focus during the training of new FOIA paralegals.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests							Mar 31	May 11 July 5 July 30 Aug 1 Oct 17 Oct 29 Nov 5 Nov 6 Nov 14

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

## **EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR)**

### A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

### B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Executive Office for Immigration Review (EOIR) has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period. In particular, EOIR has continued to improve customer satisfaction, increase efficiency and reduce backlogs, and monitor and expand public access to recurring information. In this year, EOIR rectified deficiencies and met all of the other target dates in its plan. In addition, the total number of cases processed, as well as processing times was improved.

In FY07, EOIR processed 11,842 cases, or 951 more cases than in FY06. If the case receipts had remained constant, or even within the 1-2% range of growth consistent with previous years, and not increased by 15%, EOIR would have been able to eliminate the pending case backlog. Despite the unanticipated additional caseload, EOIR was able to reduce processing times. The processing time for simple cases was reduced from twenty-seven days in FY06 to seventeen days in 2007 and the processing time for complex cases was reduced from 129 days to fifty-one days. In the Executive Order's Improvement Plan, EOIR established a goal to reduce the backlog of pending cases by 30% for FY07 by January 15, 2008. A December 31, 2007 report revealed that there are only 179 cases pending from FY07. In short, 99% of the cases were processed by December 31, 2007, far exceeding the 30% reduction goal. Similarly, a 30% reduction occurred when the backlog was measured in June of 2006 (pre-plan) and on September 30, 2007.

Internal procedures were also improved in FY07. When the Executive Order was issued, EOIR was unable to exercise any control over the FOIA database. Routine reports required programming queries by the Information and Resource Management (IRM) staff. In FY06, EOIR was able to get this function transferred to the Office of Planning and Analysis which was much more responsive than the IRM team had been. In FY07, an additional transfer of responsibility occurred and there is now a person in the Office of the General Counsel who is capable of creating and running regular reports from the FOIA database. As a result, the day-to-day management of cases has improved and the ability to ensure timelier processing has also improved.

EOIR's FOIA Service Center was able to move files into the new file storage area on April 16, 2007. The consolidation of files in one location at headquarters has improved the FOIA process, and made the day-to-day operations function more smoothly.

In FY07, additional case processing support was obtained by having the FOIA Service Center utilize a preexisting contract for copying files offsite which is controlled by the



certification unit in the Office of the General Counsel. Initially this contract was used to process the oldest pending complex cases. Throughout the fiscal year the certification unit was able to process 2670 cases for the FOIA Service Center. For the next fiscal year the FOIA Service Center will continue to use this contract with a modification in terms that will reduce the processing times and increase the number of cases processed.

As a final accomplishment, EOIR conducted a review of FOIA Service Center personnel and was able to bring a dedicated FOIA clerk on board. The addition of this person has been helpful, but the loss of a FOIA Specialist, has meant that the Service Center functioned at less than full staff for three-quarters of FY07.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

1. FOIA Improvement Plan area to which the deficient milestone relates.

Increase efficiency and reduce backlogs.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Evaluate the feasibility of expanding bar coding to manage files, by June 30, 2006.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

The IRM unit continues to work on the major system implementation project described in EOIR's 2006 annual report and therefore they remain unavailable to assist with a feasibility study.

4. Future remedial steps and the dates by which the steps will be completed.

As noted in EOIR's Updated Status Report in August 2007, EOIR will meet with IRM to pursue this study within one quarter after IRM actually completes the phase-in of the major database system.

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests							Nov 9 Nov 14 Nov 17 Nov 21 Dec 28	Jan 1 Jan 11 Jan 18 Jan 23 Jan 24

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
1	2	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

## **EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (EOUSA)**

### **A. Description of supplementation/modification of agency improvement plan (if applicable)**

Not Applicable

### **B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area**

Since the 2006 annual report, the Executive Office for United States Attorneys (EOUSA) has had great success in achieving the goals identified in the FOIA Improvement Plan. EOUSA submitted an Updated Status Report for August 1, 2007, and had great progress in meeting the remedial step deadlines set forth in that report.

Throughout most of 2006 and 2007, EOUSA was short on staff by up to four personnel and, as stated in the Updated Status Report, EOUSA's plan was to have all the positions filled by September 2007. EOUSA was successful in accomplishing this goal and is now fully staffed. Training for these new employees was completed in October 2007.

EOUSA recognized the need to train the United States Attorneys Offices (USAOs) and EOUSA components in order to improve their performance. EOUSA held a FOIA Contacts seminar at the National Advocacy Center in Columbia, South Carolina, on August 6-7, 2007, and provided training to FOIA contacts in ninety-three districts and the Executive Office for United States Attorneys. This forum provided guidance about how to accurately search and respond to FOIA requests in a timely manner, while also providing a forum for the FOIA contacts to exchange ideas about what works well for them. The program was successful and the FOIA contacts are more confident about responding to FOIA requests.

Another goal was to determine if EOUSA could set up a database that will periodically provide notices to the USAO's of all their pending requests, by June 30, 2007. EOUSA wanted to connect its ORACLE database, that houses all information about requests, to Outlook (e-mails) in order to send a monthly report to all districts reminding them of pending requests. Initially EOUSA was informed by its Case Management team that it could not do this without districts viewing the backlogs of other districts. However, since then the database was transferred to a web application, which now allows EOUSA to set up this database. EOUSA worked closely with Case Management to successfully set up this database. The projected date for implementing this database is March 31, 2008.

Since EOUSA revised its acknowledgment letter to give the requester the opportunity to be as specific as possible about the documents requested, many requests have been narrowed and the districts can now respond more quickly and accurately. This also has reduced the amount of correspondence between the requester, this office, and the district. In turn, this has further shortened the response time. In an effort to continue the benefit received in this improvement area, EOUSA has continued to review these letters and make more adjustments and improvements.

As initially described in the Updated Status Report, EOUSA centralized the processing of requests for the United States Attorneys Manual (USAM) and assigned these requests to one processor. The processor would send a response letter to the requester to clearly identify the various sections of the USAM, with page count, and costs for each section. However, these requests were not assigned to the processor until after the acknowledgment letter was sent to the requester and at that point the response letter would be sent to the requester. In July 2007, EOUSA implemented more changes and now provides the requester with this information in the initial acknowledgment letter. As a result of this new procedure, the backlog of requests for USAM material has been reduced to one outstanding request.

EOUSA also continues to have monthly paralegal reviews to identify any concerns, and continues to work hard to reduce the backlog.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

1. FOIA Improvement Plan area to which the deficient milestone relates.

Backlog Reduction

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Reduce backlog by 33%, by September 30, 2006.

To reduce the backlog by 50%, by February 28, 2007.

To reduce the backlog by 75%, by September 1, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

As previously mentioned, EOUSA set very aggressive goals and is aggressively working to reduce the backlog. EOUSA set a goal to reduce its backlog by 75%, by September 1, 2007, with interval goals of 33% by September 30, 2006 and 50% by February 29, 2007. EOUSA was not able to reduce the backlog by 75% as of September 1, 2007. However, from February 2006 to July 2007, we reduced the backlog by 26%. During this time, EOUSA experienced a reduction in staff. EOUSA was short staffed by two persons and another two were totally dedicated to a case in litigation (and one of them subsequently left the staff) until September 2007. Since September 30, 2007, EOUSA has been fully staffed and training for the new employees was completed by October 31, 2007. EOUSA's backlog as of September 30, 2006 was 1511, and as of December 31, 2007 EOUSA had a backlog of 1361. From September 30, 2006 to December 31, 2007, EOUSA reduced its backlog by 10%. The following reflects the changes in EOUSA's backlog and number of pending requests for two time frames:

- September 30, 2006 to December 31, 2007, the backlog was reduced from 1511 to 1361.

- September 30, 2006 to December 31, 2007, the pending requests were reduced from 1763 to 1548.
- January 1, 2007 to December 31, 2007, the backlog was reduced from 1371 to 1361.
- January 1, 2007 to December 31, 2007, the pending requests increased from 1467 to 1548.

The following actions have improved EOUSA's processing and helped to decrease its backlog: (1) filled all positions by September, 2007; (2) trained the FOIA contacts in the ninety-three USAOs by August 7, 2007; (3) set up a tracking system to process USAM expeditiously by July 30, 2007; and (4) continued to have monthly paralegal reviews to help determine whether any procedures should be revised.

#### 4. Future remedial steps and the dates by which the steps will be completed.

Continue to work closely with Case Management to get its database implemented to notify the districts of their backlog requests regularly, by March 31, 2008.

Continue to have monthly meetings with paralegals to monitor the progression of their processing.

Continue, as necessary, to review internal procedures in order to identify any necessary changes that would help reduce the backlog.

Revise closing letters for non-perfected requests to include fee information and opportunity for requesters to narrow their requests to reduce fees (similar to revisions to acknowledgment letters), by March 31, 2008.

Request converting contract positions to government positions for FOIA processors, by June 1, 2008.

#### D. Additional narrative statement regarding other executive order-related activities (optional)

EOUSA has been dealing with a personnel concern for several years that regularly causes a reduction in the number of processors on staff. This occurs because four out of nine processors are contractors. As a result, EOUSA often loses its contractors to other agencies that have government positions available to FOIA processors. This affects the office tremendously, because EOUSA spends months training them and ultimately they leave for other jobs. The cycle then repeats itself. EOUSA has been working aggressively to get its contract positions converted to government positions so that it can spend more time processing rather than recruiting and training new processors.

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	Mar 31 June 5 Aug 18 Sept 18 Oct 11 Oct 23 Nov 17	Jan 3 Jan 5 Feb 26						

2. Consultations

EOUSA does not have the capability to track consultations received, but is currently working with its Case Management office to add features to its database that will capture this information in 2008.

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**EXECUTIVE OFFICE FOR U.S. TRUSTEES (EOUST)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Executive Office for U.S. Trustees (EOUST) has successfully completed all but part of one of the milestones and goals in the improvement areas established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this

reporting period.

In particular, EOUST highlights the hiring of an additional FOIA paralegal and a new FOIA/PA Counsel in November and December 2007, respectively, increasing its FOIA processing staff to a total of four members.

EOUST is pleased to report that as of December 2007, the new members of the FOIA staff attended the Department's Introduction to the Freedom of Information Act course and are scheduled to attend additional FOIA training in January and February of 2008. In addition, the new FOIA/PA Counsel provided formal and informal training to the FOIA paralegals on the application of certain FOIA exemptions and other FOIA issues, including customer service, by December 2007.

The FOIA staff continually evaluates areas that can be improved in order to maximize efficiencies. In the area of customer service, the new FOIA staff has created and implemented a system for tracking and summarizing all communications between each requester and EOUST so that a chronology of this information is readily available at any work station for all FOIA requests. In the area of processing procedures and times, the new FOIA staff identified the need to improve the tracking of important FOIA-related deadlines and information necessary for annual reporting by adding database fields to track consultations received, processed, and pending. In addition, the new FOIA staff has developed a color-coded status spreadsheet to distinguish request processing stages (i.e. clarification/perfection, search, and review/redact, etc.). EOUST expects that this new tracking mechanism will assist in reducing lag time and will improve processing procedures in the future.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

1. FOIA Improvement Plan area to which the deficient milestone relates.

Disclosure/FOIA reading room Web site.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

EOUST was unable to confirm the completion of those steps with deadlines between the period of May 1 through September 30, 2007. During this time, the existing FOIA/PA Counsel left and her replacement started in August 2007. That FOIA/PA Counsel left in December 2007, when the current FOIA/PA Counsel was hired.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

EOUST was to monitor its FOIA reading room Web site and make additional improvements to the Web site as needed by September 30, 2006, and quarterly thereafter. EOUST successfully met all of its deadlines for calendar year 2006 and the first and last quarterly deadlines for calendar year 2007 (steps due during the months of February, March, November, and December 2007).

To assure timely review in the future, on January 11, 2008, the new FOIA/PA Counsel reminded and/or informed the entire FOIA staff of all goals to be completed on a quarterly or annual basis for calendar year 2008, and scheduled a meeting for January 17, 2008, to discuss deadlines, tracking mechanism, assignments, and other related details.

4. Future remedial steps and the dates by which the steps will be completed.

EOUST has decided to streamline the steps for this specific goal so that the target completion dates for each step fall on the same date (the last date of the quarterly period) as follows: March 31, 2008, June 30, 2008, September 30, 2008, December 31, 2008, and quarterly thereafter. By January 31, 2008, EOUST will calendar all improvement plan deadlines on a master calendar dedicated to FOIA, available to all FOIA staff members and management.

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests							May 9 Dec 14	Mar 1 Apr 11 May 21 July 31 Sept 14 Oct 2 Oct 14 Oct 15



2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
1*	1*	0*

\* EOUST's tracking system is currently unable to specifically identify the number of consultations received, processed, and pending at this time. Nonetheless, the EOUST located and identified one consultation request, received on October 10, 2006, and processed on October 25, 2006.

ii) Ten Oldest Pending Consultations Received From Other Agencies

EOUST does not have the capability to track consultations received, but will begin tracking in 2008.

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**FEDERAL BUREAU OF INVESTIGATION (FBI)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

CY07 was highly successful for FBI FOIA processing. Continuing the trend that began in 2006, the FBI received a large number of FOIA requests (14,419). Nevertheless, the FBI met its primary goals of reducing the time required to process requests. From 2006, the median time for processing small requests (less than 500 pages) remained at 108 days, the median time for processing medium requests (500 to 2499 pages) decreased from 330 to 270 days, and the median time for processing large requests (greater than 2500 pages) decreased from 558 to 384 days. The median time for pending medium requests decreased from 330 to 247 days and the

median time for pending large requests decreased from 514 days to 291 days.

The FBI's Record Management Division continued its program to enhance the FBI's record keeping processes, including the development of the new Central Records Complex (CRC) in Winchester, VA. These initiatives will significantly improve the FOIA section's search and record-retrieval capabilities by increasing search accuracy, by decreasing search time, and by reducing lost files, missing serials, and the manual movement of files. When complete, the overall impact will be to reduce dramatically the FBI's FOIA processing times. The FOIA section continued its move into interim facilities in Winchester and is training a new workforce in expectation of moving into the CRC in 2010. The section will complete its move to the interim facility in August 2008.

While in the process of this move, the section is experiencing a substantial loss of experienced employees. This loss of employees during the transition to Winchester affects the FBI's ability to reduce in the near term the number of pending requests. Nevertheless, the FBI is striving to reduce the number of pending requests and to continue to reduce processing times to the greatest extent possible.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

1. FOIA Improvement Plan area to which the deficient milestone relates.

FBI record system

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Complete FOIA/PA automated processing system integration with electronic case file and new search capabilities, by December 31, 2007.

Complete FBI Records Management Application, by December 31, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

The initial milestones were based on a preliminary estimate of the Sentinel project plan. Records management is fully incorporated into the more comprehensive Sentinel design. Full development of these capabilities will take place sometime in 2009.

4. Future remedial steps and the dates by which the steps will be completed.

No additional steps necessary. With incorporation of records management capabilities in Sentinel, the goal is complete.

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1. FOIA Improvement Plan area to which the deficient milestone relates.

Human resources

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Fill sixty vacant positions, by September 30, 2006, and updated in the Executive Order status report to September 30, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

The section filled sixty-three positions by December 1, 2007.

4. Future remedial steps and the dates by which the steps will be completed.

No additional steps necessary. The FBI will continue to seek new employees only as needed throughout 2008.

- 
1. FOIA Improvement Plan area to which the deficient milestone relates.

FOIA process policies and design

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Complete all requests older than August 15, 2003. To be completed by December 31, 2006, and updated in the Executive Order status report to August 15, 2007.

Complete all requests older than August 15, 2004. To be completed by April 15, 2007, and updated in the Executive Order status report to August 15, 2007.

Complete all requests older than August 15, 2005. To be completed by August 15, 2007, and updated in the Executive Order status report to January 8, 2008.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

The FBI has seven requests older than August 15, 2005, only one of which is older than August, 2003, and only one from 2004. (See Section F below.)

4. Future remedial steps and the dates by which the steps will be completed.

The FBI will continue to emphasize elimination of older requests. The success of the program is evident in the substantial reduction in the median time of pending medium and large requests in 2006. The FBI will complete these milestones by May 1, 2008.

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1. FOIA Improvement Plan area to which the deficient milestone relates.

Improvements to the FBI's FOIA Web site reading room.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Delete seldom-visited items (if not required to be posted under subsection (a)(2)) and add more recent/topical requests, by December 31, 2006, and updated in the Executive Order status report to December 31, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

The FBI has deleted seldom-visited sites (if not required to be posted under subsection (a)(2)). This was completed on December 31, 2007.

4. Future remedial steps and the dates by which the steps will be completed.

The FBI is adding more recent/topical requests, and will complete this by May 1, 2008.

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests		May 29			Aug 13	Mar 18 June 1 June 7 June 23 July 13 Aug 18 Sept 27 Nov 2		

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
578	776	97

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received						Mar 22		Apr 20 May 16 Aug 23 Aug 23 Aug 23 Nov 2	Apr 30 May 8 May 14

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**FOREIGN CLAIMS SETTLEMENT COMMISSION (FCSC)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Foreign Claims Settlement Commission (FCSC) has met all of the goals and

milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period. FCSC remains committed to a citizen-centered and results-oriented approach to the FOIA.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	0	0	0	0	0	0	0	0

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year,

each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

### **JUSTICE MANAGEMENT DIVISION (JMD)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Justice Management Division (JMD) continued to move forward on increasing efficiency by using better information technology to track and process FOIA requests. JMD monitored the Department's progress in implementing a Departmentwide information technology solution, but found that progress on such a solution has been impeded by the lack of an authorized budget. JMD will continue to monitor the Department's progress in this area in 2008 in accordance with its plan. JMD met its goal of reducing backlog and focusing on the oldest FOIA requests. All but two of the twenty-six oldest requests originally identified were resolved by March 31, 2007. The remaining two have since been resolved. JMD reviewed and updated model letters for use by JMD staff, and is continuing to investigate the integration of the model letters into the JMD FOIA tracking system for ease of use and to expedite communication to FOIA requesters.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

JMD was unable to complete two of its milestones relating to updating model letters by the original dates, but has subsequently completed them. The milestones both call for reviewing and updating model letters and making them available to staff processing FOIA requests by March 31, 2007.

1. FOIA Improvement Plan area to which the deficient milestone relates.

Backlog reduction

## Customer relations/communications

### 2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Review and update model letters and make them available to staff processing FOIA requests, by March 31, 2007.

Review and update remaining model letters and make them available to staff processing FOIA requests, by March 31, 2007.

### 3. Steps taken to correct the deficiency and the dates by which the steps were completed.

One milestone was completed on April 18, 2007, when model letters for communicating with commercial requesters regarding fee estimates and agreements to pay were provided to procurement staff. The other milestone was completed on November 13, 2007, with the review of mail referral unit model letters.

### 4. Future remedial steps and the dates by which the steps will be completed.

No additional steps are necessary.

## D. Additional narrative statement regarding other executive order-related activities (optional)

JMD has improved its FOIA processes over this reporting period. In particular, the use of the automated FOIA tracking system has enabled managers to better monitor the status of FOIA requests and improve response times. The number of FOIA requests that have been pending for more than 100 days has been reduced significantly during this reporting period. JMD's automated FOIA tracking system was completed in 2006, but JMD has continued to improve the functionality of the tracking system in 2007. The system has several features, including: a complete tracking function that includes all the requirements to produce an annual FOIA report; an ability to track by both calendar and work days; a search function that quickly answers questions regarding FOIA requests that are both active and closed; a reporting system that can access individual FOIA reports or annual FOIA reports for all FOIA requests in the system and for multiple fiscal years; and an ability to identify where any specific FOIA request is in the FOIA process. In addition, JMD has added some model letters to the system and is considering adding more models for use by JMD staff. JMD continues to use information technology to improve its FOIA process, such as by making redaction software available to staffs.

## E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

## F. Additional statistics



1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests							July 24	Feb 13 June 5 June 8 June 8 July 10 Sept 7 Sept 14 Oct 5 Oct 31

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
3	2	1

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

## NATIONAL DRUG INTELLIGENCE CENTER (NDIC)

### A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

### B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The National Drug Intelligence Center (NDIC) has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period.

NDIC does not receive a significant number of FOIA requests during any one year, and for FY07 the median response time for all requests at NDIC was nineteen days.

From a customer service standpoint, NDIC continually reviews its Web pages to ensure that they are up to date and complete. The acknowledgment letters continue to be sent out in a timely fashion. The FOIA Specialists continue to receive training as appropriate to ensure that the requests for records are processed in a timely and accurate manner.

NDIC streamlined the FOIA approval process by adding a worksheet and memorandum to each case file. This has significantly reduced the approval process time. The weekly FOIA spreadsheet continues to assist in tracking the progress of each FOIA request.

### C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

### D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

### E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

### F. Additional statistics

#### 1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests								Apr 9 Aug 28 Dec 6 Dec 18 Dec 18

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**NATIONAL SECURITY DIVISION (NSD)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The National Security Division (NSD) has met the majority of its goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period.

The NSD installed a "tickler" system to track and update the status of pending referrals and consultations. Most notably, through the use of the NSD's "tickler" system and as a result of consistent contact with FOIA liaisons at other agencies, the NSD has closed all backlogged requests received prior to January 2007.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

1. FOIA Improvement Plan area to which the deficient milestone relates.

Backlog reduction/elimination

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Reduce backlog of ten requests by two requests quarterly, September 30, 2006 (and quarterly thereafter).

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

NSD did not meet this backlog reduction goal established for the Office of Intelligence Policy & Review. Although the milestones in this goal were met during the first reporting intervals, the creation of NSD (which consolidated two former Criminal Division offices and the Office of Intelligence Policy & Review) resulted in a significant increase in the volume of incoming FOIA requests during the remaining quarters of FY07. Specifically, NSD received 157 requests in FY07 compared to forty-nine requests received by OIPR in FY06. NSD is a newly created division and does not have prior statistical data on which to accurately estimate the volume of incoming requests or backlogs. NSD reported a backlog of twenty requests at the end of FY07, and has already received more than sixty requests in the first quarter of FY08. Given this uncertainty, on October 1, 2007, NSD determined that thirty backlogged requests at the end of FY08 was a reasonable goal.

4. Future remedial steps and the dates by which the steps will be completed.

The NSD will endeavor to either (1) reduce the backlog to thirty or (2) reduce the backlog by two requests quarterly by the end of this fiscal year. As of January 1, 2008 the NSD reports a backlog of fifteen requests.

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests								Jan 3 Apr 10 Apr 10 Apr 25 June 14 July 16 July 18 Sept 12 Sept 12 Oct 23

2. Consultations

No pending consultations. Other than consults received in connection with FOIA litigation, the NSD did not receive or process any third agency consultations. All litigation consults have been completed.

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Office of Community Oriented Policing Services (COPS) has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period.

In the initial development of the COPS FOIA Improvement Plan, four improvement areas were identified: 1) Proactive Disclosure; 2) Referral Process; 3) Customer Service; and 4) Training. Under the Proactive Disclosure initiative the goal is to continuously increase the amount and type of information that is currently available in the electronic reading room, and to remove information and/or links that may become outdated or are no longer valid. COPS conducts a scheduled annual review which was established in its FOIA Improvement Plan. The target completion date this year was August 15, 2007 and the actual completion date was July 11, 2007. During the previous review, four milestones were established that fell during the past year. The first milestone was determining the specific documents that would be made available to the public via the COPS Web site. The target completion date was July 11, 2007 and the actual completion date was June 20, 2007. The second milestone was to conduct meetings between the COPS FOIA Officer and the COPS Web site administrator to schedule the establishing of additional links to the COPS Web site, allowing access to the newly added material. The target completion date was July 18, 2007 and the actual completion date was June

27, 2007. The third milestone was to make the newly added material available for public access via the COPS Web site. The target completion date was August 4, 2007 and the actual completion date was July 11, 2007. The final milestone was the establishment of an annual review to be conducted by the COPS FOIA Unit to identify additional information that may be posted on the agency Web site and to remove information that is no longer available. The target completion date was August 15, 2007 and the actual completion date was July 11, 2007.

Through the implementation of this area of improvement the COPS office was able to continue to significantly increase the types and total amount of documents available through the FOIA electronic reading room. It is anticipated that many potential FOIA requests will no longer be filed with COPS as the information is now in the public domain via the COPS site.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	0	0	0	0	0	0	0	0

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
1	1	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**OFFICE OF THE FEDERAL DETENTION TRUSTEE (OFDT)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Office of the Federal Detention Trustee (OFDT) has made further progress in implementing the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392. In particular, it has achieved its milestone of June 30, 2007, for overall FOIA Web site improvement by continuing to seek to provide links to its Web site for documents pertaining to detention trends, procurement and program review. Most recently, OFDT added to the Web site a report by the Department of Justice Office of the Inspector General regarding OFDT's performance of its oversight role in the area of intergovernmental agreements, a document which has the potential significantly to increase public awareness of OFDT's mission.

Regarding automated tracking capabilities, while OFDT has not met two milestones in



procuring by December 31, 2007, software which would allow it to automatically track FOIA requests, it nonetheless has been fully engaged in attempting to meet these milestones, as discussed below in part C.

With respect to OFDT's hiring of a contract employee to assist in OFDT's FOIA operations, OFDT has met its milestone of July 31, 2007. Working with the Justice Management Division's Human Resources Coordinator, in March, 2007, a first-year law student was hired under the Department's Student Temporary Employee Program. The student commenced work on May 29, 2007, and, throughout the summer months, provided valuable assistance to OFDT's General Counsel in processing FOIA requests.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

1. FOIA Improvement Plan area to which the deficient milestone relates.

The two deficient milestones relate to three plan areas: Automated tracking capabilities; Electronic FOIA - automated processing; and Electronic FOIA.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Preparation and full processing (including interviewing of vendors) of a request for purchase of FOIA software, by June 30, 2007.

FOIA software installed and implemented, including any customizations needed to fit OFDT specifications, by December 31, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

Since June 2007, OFDT has been working closely with the Department's Chief Information Officer, Office of Information and Privacy and Antitrust Division in designing a pilot to test such software. The group has defined the requirements for such software, to include electronic processing of FOIA requests, and prepared a cost analysis. In November 2007, the group finalized a statement of work.

Additionally, OFDT does have an electronic FOIA system which allows it to receive FOIA requests electronically and to deliver documents electronically. Although it was anticipated that OFDT would have implemented by December 31, 2007, a comprehensive Web-based FOIA application that also includes tracking and redacting of the responsive documents, this is not the case. The electronic FOIA currently employed by OFDT does not automatically track or electronically redact the requests. Rather, FOIA requests manually are tracked and the responsive documents are redacted by hand and then scanned into the system for electronic delivery to the requester.

4. Future remedial steps and the dates by which the steps will be completed.

OFDT is awaiting the approval of the 2008 budget before proceeding to issue a request for proposals to provide the software.

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests								Jan 10 Jan 10 Sept 26 Oct 29 Oct 29 Nov 6

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
1	1	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**OFFICE OF THE INSPECTOR GENERAL (OIG)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

As reported in the last annual report, the Office of the Inspector General (OIG) has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392. OIG remains committed to a citizen-centered and results-oriented approach to the FOIA.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

This year, OIG anticipates acquiring software that will enable us to move to automated processing. OIG anticipates that this will significantly enhance its ability to comply with processing deadlines. As a result of the recently enacted changes to the statute, OIG will be revising its tracking system. OIG anticipates improvements in processing time as a result of this effort as well.

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.



G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

### **OFFICE OF JUSTICE PROGRAMS (OJP)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Office of Justice Programs (OJP) has made further progress in implementing the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392. In particular, OJP was able to retain the assistance of a FOIA paralegal to assist with processing FOIA requests. Attorneys in OJP's Office of the General Counsel continue to assist the FOIA Officer with obtaining responsive information and documents from the OJP bureaus and offices they service, which ultimately resulted in more prompt responses from these offices. Upon receipt of complex requests, the subject-matter experts in the bureaus and offices are continuing to assist the FOIA Officer with feedback on what material may be problematic and offer assistance in the review of the material in order to process the request(s) more expeditiously.

OJP has shown considerable improvement in fulfilling its obligations under the FOIA, both in processing a greater number of requests, and in processing the requests in a more timely manner.

In its 2006 Annual Report, OJP reported that it received 391 requests and processed 377 requests. In its 2007 Annual Report, OJP received 388 and processed 449 requests. Although OJP received three fewer requests in 2007 (an insignificant distinction), it processed seventy-two more requests, a 20% increase. In addition, in 2006, OJP had seventy-eight requests pending at the end of the reporting period. In 2007, OJP had seventeen requests pending at the end of the reporting period. This was a reduction of sixty-one requests, or 78%.

In 2006, OJP processed 325 requests categorized as "simple requests" in an average of ninety-one days. In 2007, OJP processed 336 simple requests in an average of twelve days. This is an 87% reduction in the processing time of simple requests. In 2006, OJP processed fifty-two requests categorized as "complex requests" in an average of 106 days. In 2007, OJP processed 113 complex requests (a full 1/3 of its total requests for 2007) in an average of forty-five days. This resulted in a 42% reduction in the processing time of complex requests from 2006 to 2007.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

While there has been considerable improvement in several areas, OJP still has not met its overall objective of reducing the average processing time for requests to twenty days. This is directly attributable to the extremely complex nature of the requests received within the last year. There has been heightened media interest and protracted litigation on quite a few OJP programs. In fact, the number of requests categorized as complex requests has increased by 117% from the fifty-two received in 2006 to the 113 received in 2007. For example, one major lawsuit - with a FOIA claim - has resulted in all of the FOIA human resources being redeployed to respond to the needs of the Civil Division attorney handling the case. This accounted for fifty-three workdays of effort during the month of December alone solely dedicated to the FOIA aspect of the lawsuit.

1. FOIA Improvement Plan area to which the deficient milestone relates.

Backlog Reduction

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

To reduce the processing time for FOIA requests to twenty days, by December 31, 2006.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

On January 8, 2007, access was granted to retrieve requested documents from the OJP electronic database.

On January 8, 2007 and continuing thereafter, OJP met with its bureaus' subject matter experts on highly technical documents that originated outside OJP to provide the FOIA Officer with all relevant contact information needed for external consultations.

On February 16, 2007, OJP extended the FOIA paralegal's contract through August 31, 2007 to assist with processing FOIA requests. With the additional assistance OJP has reduced its processing and closing time to 29.4 days.

On June 25, 2007, the General Counsel was informed that his request for additional funds to extend the contract FOIA paralegal from two days a week to five days a week for the next fiscal year had been approved.

In August and September 2007, OGC staff met with staff from the OJP's procurement staff to discuss the prospects of changing contractors and upgrading the skill level of the clerical support position. OGC's request was approved.

On October 25, 2007, a new clerical support person began at OJP.

On December 14, 2007, the General Counsel sent out a memorandum to all of OJP's office and bureau heads reiterating the importance of complying with the FOIA Officer's request for documents.

4. Future remedial steps and the dates by which the steps will be completed.

By March 31, 2008, the OJP Senior Counsel will review the statistics for the first quarter of 2008 to assess improvement of the processing times.

By June 30, 2008, OJP will reduce the average processing time for FOIA requests to twenty days, by December 31, 2006.

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1. FOIA Improvement Plan area to which the deficient milestone relates.

Improve response time from the OJP bureaus and offices.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

To receive responses from the OJP bureaus and offices within five days of receipt of the OGC search letter, by September 1, 2006.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

Since December 31, 2006 and continuing thereafter, the FOIA Officer has been assisted by the Comptroller's Office in securing requested documents.

On January 8, 2007, the FOIA Officer was given access to the OJP electronic database that maintains some of the OJP funded grants. The FOIA Officer can now retrieve requested grants without requesting these documents from the bureaus and offices. This has reduced the need to contact some of the bureaus and offices.

The OJP Senior Counsel met with the General Counsel on July 27, 2007 and discussed ways that the OGC Attorney-Advisors could assist with OJP bureaus and offices in submitting timely responses to the FOIA Officer.

4. Future remedial steps and the dates by which the steps will be completed.

This goal has been achieved. However, OJP will continue to monitor its bureaus and offices to ensure that they continue to respond to document requests in a timely fashion

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests							Nov 8	Mar 1 Mar 5 Apr 24 June 1 June 21 July 16 July 31 July 31 Aug 3

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	1	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.



Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

### OFFICE OF LEGAL COUNSEL (OLC)

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

As reported in the last annual report, the Office of Legal Counsel (OLC) has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392. OLC remains committed to a citizen-centered and results-oriented approach to the FOIA.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests							Sept 5	Jan 17 Feb 20 Feb 20 Feb 20 Feb 20 Feb 20 June 29 June 29 July 18

## 2. Consultations

OLC does not have the capability to track consultations received, but will begin tracking in 2008.

### G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

## OFFICE OF THE PARDON ATTORNEY (OPA)

### A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

### B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Office of the Pardon Attorney has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period. OPA will continue to review its FOIA Web site for improvement. Electronic FOIA access is being utilized and OPA is responding to requests electronically whenever possible. Customer relations and polite and courteous communication is a paramount responsibility of each OPA staff member. A review of FY07 annual statistics indicated that OPA responded to the sixty FOIA requests received in a timely manner. Additionally, prior to the end of FY07, OPA's office was able to obtain redaction software which will improve OPA's responses of redacted documents. Finally, OPA is continuing to review the requests it receives for documents with its web-site management office in order to add the frequently requested documents to OPA's Electronic Reading Room as well as updating the Adobe notice requirements for downloading application forms.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests								Dec 6 Dec 11 Dec 11 Dec 11 Dec 18 Dec 20

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Office of Professional Responsibility (OPR) has met nearly all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period. OPR remains committed to a citizen-centered and results-oriented approach to the FOIA.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

1. FOIA Improvement Plan area to which the deficient milestone relates.

Conduct review of expedited processing.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

On an annual basis, conduct a review of the fiscal year's requests for expedited processing, by December 31, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

OPR experienced some unanticipated challenges in this improvement area due to a staff shortage. OPR's long-term FOIA Specialist retired in January 2007. The replacement FOIA Specialist hired in January 2007 unexpectedly resigned in May

2007. OPR was without a FOIA Specialist for the remainder of FY07. As a result, OPR did not have the necessary resources to conduct reviews of requests for expedited processing. OPR hired a full-time FOIA Specialist in November 2007 and will focus on this improvement areas.

4. Future remedial steps and the dates by which the steps will be completed.

The review will be completed by June 30, 2008.

D. Additional narrative statement regarding other executive order-related activities (optional)

OPR has purchased a new database. The new FOIA database, once implemented, will allow OPR to track FOIA requests with increased efficiency. In addition, the database will have the ability to run complex statistical reports which will enable OPR to monitor its timeliness in responding to requesters. OPR's technical and administrative staff have worked closely with the software contractor to ensure that the database meets the needs of OPR's FOIA obligations. OPR anticipates extensive testing and use of alpha and beta systems of the software in FY08 and complete conversion to the new system in FY09.

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests							Jan 18 Feb 14 June 7	Jan 11 Feb 9 Mar 20 June 21 June 21 July 30 Aug 14

2. Consultations

OPR does not have the capability to track consultations received, but will begin tracking in 2008.



2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**OFFICE ON VIOLENCE AGAINST WOMEN (OVW)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

As previously reported, the Office on Violence Against Women (OVW) has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392. In particular, OVW has made information about the grant programs

that it administers more accessible by improving and enhancing its Web site. In addition, OVW's use of the automated Grants Management System to gather responsive information has decreased the amount of time that it takes to respond to routine FOIA requests.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005*	2006	2007
Requests						Feb 1 Feb 1 Feb 22 May 4		Jan 3 Dec 19

\* Since 2006, two trained OVW attorney-advisors log in all incoming FOIA requests, calculate deadlines, complete responses within the twenty day time-period, and update the status of FOIA requests on the FOIA logsheet. While the current FOIA logsheet identifies four "pending" requests for the year 2005, it is unclear whether those requests have been completed. The log sheet identifies a release code but no date when the FOIA response was completed. OVW is attempting to locate archived OVW FOIA records in order to determine if those requests are actually pending.

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.



Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**PROFESSIONAL RESPONSIBILITY ADVISORY OFFICE (PRAO)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

As reported in the last annual report, the Professional Responsibility Advisory Office (PRAO) has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392. Specifically, PRAO has established the capability to process FOIA request records electronically, improved politeness and courtesy when interacting with FOIA requesters, and increased awareness of the appropriate use of "safeguarding labels" and their relationship to FOIA-processing decisions. In addition, all current PRAO FOIA staff have taken advantage of available FOIA training.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable



G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

### **TAX DIVISION**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

As previously reported, the Tax Division has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392. The Division, however, has continued to train its FOIA staff, generally, and in the area of Customer Service.

The goals and milestones with regard to the "Processing of complex requests," area of improvement were inapplicable to this period. For example, there could not be a 6% decrease in the response time of complex requests because the Division did not receive any complex requests during FY06 against which to measure complex requests received during FY07. The Division, however, notes that in Fall 2007, it took three steps to improve the processing time of all requests. First, it developed and implemented an electronic FOIA Master calendar with pop-up reminders with internal deadlines for tracking the status of processing requests for which the Division may have responsive records. Second, the Division developed and implemented an electronic FOIA Master calendar with pop-up reminders of perfection deadlines imposed on requesters. Third, during the latter part of 2007, the Division held FOIA staff meetings twice per quarter to identify problems with processing procedures and consider solutions to increase processing efficiency. Additionally, by March 31, 2008, the Division intends to review the expedited processing procedures and develop uniform response letters to requests for expedited processing requests.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by the date it was received by your agency.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests								Mar 6 Apr 4 Aug 30 Sept 21 Oct 4 Oct 15 Dec 13 Dec 17

2. Consultations

The Tax Division does not have the capability to track consultations received, but will begin tracking in 2008.

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**UNITED STATES MARSHALS SERVICE (USMS)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The United States Marshals Service (USMS) continues to make significant progress in implementing the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392. Customer service has improved through the reduction of its backlog and processing time for requests. USMS reduced the backlog of pending requests by

68% from eighty-eight to twenty-eight. Its median processing times for both simple and complex requests have been significantly reduced by 50% and 49% respectively. These achievements are due in part to USMS' continued efforts to communicate with its various District and headquarters FOIA liaisons regarding the importance of timely responses to request by FOIA staff to produce responsive records. USMS continues to monitor its pending request backlog monthly and to make adjustments in assignments where appropriate. USMS explored the feasibility of hiring contract personnel for the FOIA staff, but opted for the hiring of two part-time college students to assist with administrative tasks such as initial component searches, acknowledgment letters, scanning records, etc., and the processing of requests that fall in our simple request track. USMS operations have also benefitted from the purchase and use of three high-speed digital scanners.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

1. FOIA Improvement Plan area to which the deficient milestone relates.

Reducing backlog and improving efficiency.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Contact and arrange for vender demonstrations of automated systems, by March 30, 2007.

Determine appropriations for budget, by September 30, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

While USMS has contacted and examined material from several vendors of automated processing technology, USMS has not yet had on-site demonstrations of the technology.

4. Future remedial steps and the dates by which the steps will be completed.

Arrange for vendor demonstrations of automated systems, by March 30, 2008.

Determine whether an automated system is cost effective and provide appropriations for budget, by September 30, 2008.

- 
1. FOIA Improvement Plan area to which the deficient milestone relates.

Reducing backlog and improving efficiency.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Establish and implement bi-weekly review of oldest pending requests, by September 30, 2006, and bi-weekly thereafter.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

USMS has held bi-weekly FOIA staff meetings by which we review our backlog of pending request. In some cases these meetings have not occurred due to scheduling conflicts, and/or staff vacations. In those instances USMS has held a staff meeting as soon after the regular meeting as practicable. In any event, a general review of our backlog has been conducted monthly.

4. Future remedial steps and the dates by which the steps will be completed.

Continue review of backlog through bi-weekly staff meetings and by other means as appropriate.

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests								Apr 24 Oct 3 Oct 5 Oct 15 Oct 23 Oct 26 Oct 30 Nov 6 Nov 6 Nov 7

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
14	15	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency .

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	Nov 27

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

**INTERPOL-U.S. NATIONAL CENTRAL BUREAU (USNCB)**

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The INTERPOL-USNCB has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period. In particular, USNCB has continually achieved positive results in the areas of customer relations/communications and in multi-track processing. USNCB has successfully utilized telephone contact with requesters to clarify requests and to request

additional information. This practice has had a positive effect on response time and in clarifying any misunderstanding as to what the requester was seeking.

Many callers have used the FOIA Requester Service Center as a general contact point to direct their inquiries pertaining to various subject matters other than FOIA matters. Even though these calls did not pertain to FOIA, they were assisted and directed to the appropriate offices.

It has made a considerable difference in using the multi-track process to delegate the more simple requests to additional component personnel. This procedure has allowed the FOIA Specialist to concentrate on processing the more complex and expedited requests, thus creating a shorter response time.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests								Dec 11

2. Consultations

The USNCB does not have the capability to track consultations received, but will begin tracking in 2008.

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.



## UNITED STATES PAROLE COMMISSION (USPC)

### A. Description of supplementation/modification of agency improvement plan (if applicable)

Not Applicable

### B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The United States Parole Commission (USPC) has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period. In particular, the Commission has successfully met its milestones for improvement in the following five areas: 1) improving multi-track processing; 2) updating model letters; 3) training; 4) improving record-keeping; and 5) backlog reduction.

In the area of improving multi-track processing, the Commission met the goal of establishing and implementing a three-track system to improve efficiency and reduce the backlog. Track One is for processing requests for tapes of parole hearings. Track Two is for processing requests for tapes and requests for one or two documents. Track Three is for processing all other requests. The requests are kept in a separate filing system according to track. By implementing this three-track system, the USPC can process simple requests more quickly.

In the area of updating model letters, USPC met the goal of updating model letters that are used on a frequent basis. The Commission rewrote some of these letters, removing redundant language, and improved some letters so that they are more tailored to individual circumstances. This has reduced the time it takes to edit the letters and has helped the agency to be more fully-responsive to the requester.

In the area of training, USPC agency met its goal of conducting regular meetings with staff and has updated its training manual. Additionally, the USPC's new FOIA Specialist has undergone extensive training and she has in turn provided periodic training to staff assisting her in processing FOIA requests.

In the area of record-keeping, USPC Commission met its goal of reducing the copies and records that are maintained in the FOIA unit. USPC purged its old records so that it is up to date with its retention schedule. It has also purged many old documents that it had been retaining awaiting a response from the requester for more than a year. Additionally, requests are filed according to their response track, which makes processing more efficient.

In the area of backlog reduction, USPC met its goal of reducing its backlog by 50% because of an influx of assistance from students who were working during their summer break from college.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not Applicable

D. Additional narrative statement regarding other executive order-related activities (optional)

Not Applicable

E. Concise descriptions of FOIA exemptions

See section E of the OIP portion of this report, above.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests								Aug 7 Aug 14 Aug 15 Aug 16 Aug 21 Aug 21 Aug 21 Aug 21 Aug 23 Aug 24 Aug 24

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan (in current form)

The [FOIA Improvement Plan for the Department of Justice](#) is attached.

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