



# Department of Homeland Security

Privacy Office

2016 Chief Freedom of Information Act Officer Report  
to the Attorney General of the United States

March 2016



Homeland  
Security

## Message from the Chief Freedom of Information Act Officer

I am pleased to present the Department of Homeland Security's (DHS or Department) *2016 Chief Freedom of Information Act (FOIA)<sup>1</sup> Officer Report to the Attorney General of the United States*. The Report summarizes the Department's accomplishments in achieving its strategic goals related to transparency, openness, and implementing FOIA from March 2015 through March 2016.



The DHS leadership continues to be dedicated to the Department-wide success of the FOIA program, including each Component FOIA program.

The DHS Privacy Office, which is responsible for policy and execution of the DHS FOIA program, meets regularly with DHS leadership to ensure continuing emphasis is placed on FOIA training, backlog reduction, closing of the agency's ten oldest requests, consultations and appeals, and ensuring that the DHS FOIA workforce has the resources required to keep the FOIA programs running efficiently to meet the President's Open Government goals.

Additionally, the Department continues to modernize and improve its FOIA operations by deploying advanced technology. The DHS Privacy Office partnered with the Office of the Chief Information Officer to create the new eFOIA mobile application. By conveying the online request process to mobile devices, requesters can now submit requests and check the status of existing requests anywhere, anytime. Key features of the application allow users to: (1) submit a FOIA request to any DHS Component; (2) check the status of their requests; (3) access all of the content on the DHS FOIA website and library; and (4) view updates, changes to events such as stakeholder meetings/conference calls, and recently published documents.

To improve customer experience, the DHS Privacy Office redesigned the online FOIA Library to include the libraries for the National Protection and Programs Directorate, the Federal Emergency Management Agency, and the Transportation Security Administration, making it easier to locate records disclosed by these Components.

This report also highlights the large number of FOIA requests and appeals the Department received this fiscal year and the sizable backlog reduction. As has been the case for several years, DHS continues to receive the largest number of FOIA requests of any federal department or agency in each fiscal year (FY), acquiring almost 40 percent of all requests within the Federal Government. Since President Obama took office, DHS experienced an increase in the number of received FOIA requests.

In FY 2015, DHS received 281,138 FOIA requests, and processed 348,878 requests as compared to processing 238,003 in FY 2014. DHS closed 152,481 simple perfected requests in FY 2015, a

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<sup>1</sup> 5 U.S.C. § 552.

50 percent increase compared with the 75,687 closed in FY 2014. The Department closed 179,011 complex perfected requests in FY 2015, an 18 percent increase compared with the 146,193 closed in FY 2014. In total, DHS closed 331,492 perfected simple and complex requests in FY 2015 and released responsive records in 70 percent of those cases.

Reducing the backlog remained one of my top priorities this year, and I am pleased to report that DHS decreased its backlog in FY 2015 by 66 percent. This decrease is due to the joint initiatives of two Components and the DHS Privacy Office. U.S. Immigration and Customs Service (ICE) decreased its backlog by more than 99 percent, U.S. Customs and Border Protection (CBP) decreased its backlog by 73 percent, and the DHS Privacy Office decreased its backlog by 19 percent.

The DHS Privacy Office and the Component FOIA Offices conducted internal training and served on various panels outside the Department, which allowed them to: (1) standardize FOIA best practices across the Department; and (2) promote transparency and openness within DHS and among the requester community. Of note, several Component FOIA Officers and staff from the DHS Privacy Office received accolades and awards from other agencies in the areas of advancing technologies, customer service, and backlog reduction successes.

I am proud of the Department's accomplishments and am aware that despite the use of improved technologies and creative initiatives, the Department faces a challenge as the public's interest in the Department and its activities increases every year. My office remains vigilant in our efforts to further transparency.

The report that follows describes these and other initiatives in greater detail.

Inquiries about this report may be directed to the DHS Privacy Office at 202-343-1717 or [foia@dhs.gov](mailto:foia@dhs.gov). This report and other information about the Office are available on our website: [www.dhs.gov/FOIA](http://www.dhs.gov/FOIA).

Sincerely,



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Chief Freedom of Information Act Officer  
U.S. Department of Homeland Security

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# I. Overview of the DHS FOIA Program

## A. Overview of the DHS FOIA Program

The Department's FOIA program began with the establishment of the Department of Homeland Security in 2003. Many of the agencies that were merged into DHS had pre-existing, well-established FOIA operations. Elements of those decentralized operations continue today. Subject to Department-wide FOIA regulations and the policy leadership of the DHS Privacy Office, DHS Components are responsible for establishing and maintaining their own FOIA programs and operationally deciding whether to establish a centralized or decentralized FOIA program at the Component or Directorate level.<sup>2</sup> Contact information for DHS FOIA Officers is provided in Appendix C.

## B. FOIA Operations and the DHS Privacy Office

In accordance with *Executive Order 13392, Improving Agency Disclosure of Information*,<sup>3</sup> the Secretary of Homeland Security (Secretary) designated the DHS Chief Privacy Officer (Chief Privacy Officer) to serve concurrently as the Chief FOIA Officer to promote efficiency, effectiveness, and statutory compliance throughout the Department. The Chief Privacy Officer leads the DHS Privacy Office and reports directly to the Secretary on both FOIA and privacy matters. On August 29, 2011, the Secretary delegated to the Chief Privacy Officer the authority to develop and oversee the implementation of policies within the Department and, except as otherwise provided by law, carry out the functions of the agency regarding compliance with FOIA, the Privacy Act, and the *E-Government Act of 2002*.<sup>4</sup>

The DHS Privacy Office coordinates Department-level compliance with FOIA by developing Departmental policy to implement important FOIA initiatives, including those set forth in the President's FOIA Memorandum and the Attorney General's FOIA Guidelines of 2009.<sup>5</sup> Additionally, the DHS Privacy Office coordinates and oversees Component FOIA Office operations, provides FOIA training, and prepares required annual reports on the Department's FOIA performance. The DHS Privacy Office, through its FOIA team, also processes initial

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<sup>2</sup> The DHS Organizational Chart is provided in Appendix B.

<sup>3</sup> *Executive Order Number 13392*, Fed. Reg. Volume 70, 75373 (Dec. 14, 2005). The Executive Order's requirement for the establishment of the Chief FOIA Officer position was enacted into law as provisions of the FOIA (5 U.S.C. §§ 552(j), (k)) by the *OPEN Government Act of 2007*, Pub. L. 110-175, 121 Stat. 2524 (Dec. 31, 2007). The Chief Privacy Officer position was established by Section 222 of the *Homeland Security Act of 2002* (Homeland Security Act), 6 U.S.C. § 142 (2002). Section 222 assigns the Chief Privacy Officer responsibilities to ensure that privacy and transparency in government are implemented throughout the Department. These responsibilities are further described on the DHS Privacy Office website: <https://edit.dhs.gov/chief-privacy-officers-authorities-and-responsibilities>.

<sup>4</sup> Pub. L. 107-347, § 208, 44 U.S.C. § 101 note.

<sup>5</sup> The President's FOIA Memorandum of January 21, 2009, is available at: [http://www.justice.gov/oip/foia\\_guide09/presidential-foia.pdf](http://www.justice.gov/oip/foia_guide09/presidential-foia.pdf). The Attorney General's Memorandum of March 19, 2009, is available at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>.

FOIA and Privacy Act requests to the Office of the Secretary (including the Military Advisor's Office) and many offices within DHS Headquarters.<sup>6</sup>

The DHS Privacy Office's FOIA team ensures full implementation of the FOIA goals and objectives in the DHS Privacy Office's Strategic Plan. Four directors and one manager assist the leadership of the Privacy Office:

1. The Senior Director of FOIA Operations provides visibility, leadership, and oversight of DHS FOIA activities and serves as a key adviser to the Senior Executive Service level DHS leaders on Department-wide policies and program objectives on matters that pertain to DHS record disclosure. The Senior Director works closely with senior leadership throughout the Department and functions as an authority on information disclosure matters under the FOIA and Privacy Act and serves as a principal DHS point of contact with other federal, state, and local agencies and private organizations.
2. The Director of FOIA Production and Quality Assurance manages the processing of FOIA and Privacy Act requests for records maintained by DHS Component FOIA Offices, coordinates the processing of FOIA requests to ensure that they are handled consistently throughout the Department, and serves as the DHS Privacy Office FOIA Public Liaison to address FOIA-related customer service issues.
3. The Director of FOIA Improvement addresses the FOIA backlog, trains staff, increases proactive disclosures, and identifies ways to improve the FOIA program at DHS. The Director of FOIA Improvement meets with the requester community in roundtable discussions to learn what information they would like to see proactively posted on agency websites. DHS encourages public feedback to improve transparency and ensure that proactive disclosures are meaningful.
4. The Director of FOIA Technology implements the electronic monitoring, tracking, and redacting commercial off-the-shelf (COTS) web application to process FOIA and Privacy Act requests and manages the DHS Privacy Office web presence.
5. The FOIA Production Manager creates metrics reports to measure current workloads, address backlogged cases, and identify trends and successes in closing cases.

In addition, DHS Privacy Office FOIA staff includes 10 Government Information Specialists who: (1) process FOIA requests submitted to the Office of the Secretary and 11 other Headquarters offices;<sup>7</sup> (2) provide FOIA-related training; (3) coordinate appeals and process records under litigation; and (4) assist in the preparation of the Department's required FOIA reports on the Department's FOIA performance.

DHS programs are wide-ranging, and the processing of requests requires close coordination with many internal and external customers, including other federal agencies, state and local

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<sup>6</sup> In this report, a reference to the "Department" or "DHS" means the entire Department of Homeland Security, including its Components, Directorates, and the Office of the Secretary. The DHS FOIA Office processes the Privacy Office's initial requests and those for the following 11 offices: Office of the Secretary, Office of the Citizenship and Immigration Services Ombudsman, Domestic Nuclear Detection Office, Office of the Executive Secretary, Office of Intergovernmental Affairs, Management Directorate, Office of Policy, Office of the General Counsel, Office of Health Affairs, Office of Legislative Affairs, and Office of Public Affairs. Appendix A lists the DHS Components and their customary abbreviations. Appendix D lists acronyms, definitions, and exemptions.

<sup>7</sup> See footnote six for the list of 11 Headquarters offices.

governments, foreign entities, and private companies. DHS Privacy Office Government Information Specialists also provide expert FOIA guidance to the Component FOIA Offices and communicate regularly with DHS's many stakeholders.

## II. Promoting Openness and Efficiency: Addressing Key Areas of Interest to the Department of Justice

### A. Steps Taken to Apply the Presumption of Openness

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

#### *FOIA Training:*

1. Did your agency conduct FOIA training during the reporting period for FOIA professionals?

Yes, the DHS Privacy Office and the Component FOIA Offices held conferences and conducted training during the reporting period.

2. If yes, please provide a brief description of the type of training conducted and the topics covered.
  - The DHS Privacy Office conducted biweekly New Employee Training on FOIA along with best practices for safeguarding personally identifiable information.
  - The DHS Privacy Office meets weekly regarding its FOIA program and processing requests. Five of the meetings were devoted to training, including the following FOIA topics of interest: proper FOIA requests, agency records, and Exemptions 4, 5, and 6.
  - The DHS Privacy Office provided a workshop to FOIA Officers and staff regarding the handling of significant FOIA requests.
  - The DHS Privacy Office provided a FOIA training webinar to stakeholders of the BioWatch program.<sup>8</sup> The FOIA training included a FOIA overview tailored to a unique group consisting of emergency first responders, local and state government offices, and the multiple federal agencies that collaborate in carrying out the BioWatch program.
  - The DHS Privacy Office provided a FOIA overview to the Office of the Citizenship and Immigration Services Ombudsman staff.

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<sup>8</sup> BioWatch is a cornerstone in the Department's comprehensive strategy for countering terrorism. BioWatch monitors the air for biological agents likely to be used in a bioterrorism attack. If a detection occurs, public health and other local and state officials use the information to coordinate emergency response, including prompt medical care and other actions to protect public health and safety.



- The DHS Privacy Office provided a half-day refresher training session to its FOIA staff on the processing of FOIA requests.
- The DHS Privacy Office provided a two-hour FY 2015 Annual Report Refresher Training Workshop to the Component FOIA staff that included the reporting requirements and best practices for responding to FOIA requests.

Component FOIA Offices provide full-time and collateral FOIA staff training specific to each Component:

- Transportation Security Administration (TSA) provided:
  - Refresher training on Sensitive Security Information<sup>9</sup> and the application of Exemption 3 to its FOIA staff.
  - A two-day onsite FOIA training session with a consultant and former co-director of the Department of Justice (DOJ), Office of Information Policy (OIP) regarding FOIA exemptions and TSA-specific handling of FOIA requests.
- United States Coast Guard (USCG) legal staff conducted training to its FOIA staff on the use of exemptions.
- United States Customs and Border Protection (CBP) conducted a two-day refresher training to all staff assigned to CBP FOIA headquarters. Topics included exemptions and proper application, fee waiver determinations, fee categories, and requests for expedited treatment.
- United States Citizenship and Immigration Services (USCIS) in-house training staff conducted more than 30 separate training sessions this reporting period. The training sessions were presented in a classroom setting and simultaneously for employees who were teleworking. USCIS posted several presentations on its internal website for FOIA staff. Topics included:
  - Basic course on creating FOIA cases in the electronic processing system and searching for responsive records (two weeks);
  - Referrals and consultations;
  - Presumption of openness in all FOIA operations;
  - Expedited processing and handling of requests pursuant to DOJ guidance;
  - National Security Information, classified records, and related FOIA or Privacy Act requests;
  - Reasonably segregable materials and releases under FOIA;
  - Consent and verification of identity;

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<sup>9</sup> Sensitive Security Information consists of equipment or personnel performance specifications, vulnerability assessments, security inspection or investigative information, threat information, security measures, security screening information, security training materials, identifying information of designated transportation security personnel, critical aviation or maritime infrastructure asset information, systems security information, confidential business information, or research and development information. See 49 U.S.C. § 114(r).

- Processing and release of asylum records;
  - Processing and special handling of refugee cases;
  - Processing and special handling of Violence Against Women Act<sup>10</sup> records; and
  - Calculating fees chargeable to FOIA requesters.
- The USCIS senior lead processors conducted refresher training sessions for all FOIA processors. Topics included:
    - Referrals to CBP, United States Immigration and Customs Enforcement (ICE), the Federal Bureau of Investigation (FBI), the Bureau of Prisons, and the Department of State;
    - Processing of various court documents found in Alien files;
    - Application of law enforcement exemptions available under Exemption 7 to records in Alien files processed by USCIS;
    - Discretionary releases;
    - Handling of asylum officer notes;
    - Handling of Controlled Application Review and Resolution Program records found in Alien files; and
    - TECS<sup>11</sup> screen prints—what to look for, release, and redact.
- United States Secret Service (USSS) conducted the following training:
    - FOIA training for new Special Agents, new Uniformed Division Officers, and new employees at orientation regarding FOIA statutes and regulations.
    - FOIA training to USSS Directorates and Divisions regarding the handling of FOIA requests, search requirements, and the roles and responsibilities of the program office staff responsible for conducting searches.
    - Refresher FOIA training to FOIA staff regarding processing requests and applying exemptions, including identifying factors unique to USSS that affect the processing of FOIA requests.
- ICE conducted training during its new employee orientations, providing an overview of FOIA procedural requirements and exemptions.
    - ICE conducted annual refresher training to its FOIA staff and paralegals.
    - ICE conducted training over several days for the contractors assigned to eliminate its backlog. This training provided an overview of the FOIA statute procedural requirements, exemptions, and recent updates and changes to ICE’s application of the statute.

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<sup>10</sup> 8 U.S.C. § 1367(a)(2).

<sup>11</sup> The TECS system is the updated and modified version of the former Treasury Enforcement Communications System. For information regarding TECS, see DHS/CBP/PIA-009 TECS System: CBP Privacy and Secondary Processing (December 22, 2010), available at <http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia-cbp-tecs.pdf>.

- The Federal Emergency Management Agency (FEMA) conducted training for its disclosure personnel to address FOIA process improvement opportunities and to ensure consistency in processing cases.
    - FEMA conducted training for its Region II, V, and VII personnel. Topics included an overview of FOIA, how to conduct records searches to yield responsive documents, timelines established within FOIA, and records management.
  - The Office of Intelligence and Analysis (I&A) conducted New Employee Orientation FOIA training to federal employees and contractors. Topics included statutory requirements as well as DOJ and DHS policies. I&A conducted additional training to staff at the operational-level responsible for conducting records searches and providing responsive records to I&A FOIA professionals.
  - The Science and Technology Directorate (S&T) conducted two annual FOIA training sessions and New Employee Orientation FOIA training for federal employees and contractors. Topics included S&T internal processes, statutes, and exemptions.
  - The National Protection and Programs Directorate (NPPD) provided:
    - Two three-day FOIA training sessions to Federal Protective Service regional FOIA liaisons.
    - FOIA training to new employees and contractor support staff in its Office of Biometric Identity Management (OBIM) regarding the use of Exemptions 6, 7(C), 7(E), and the Privacy Act exemptions.
3. If no, please explain why your agency did not hold training during the reporting period, such as if training offered by other agencies was sufficient for your agency's training needs.

The Federal Law Enforcement Training Centers (FLETC) did not conduct training during the reporting period because it has a staff of two. The Office of Inspector General (OIG) did not conduct training because the training offered by outside entities such as DOJ and the American Society of Access Professionals (ASAP) was sufficient to meet its training needs.

4. Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice?

The Department places a high priority on training and education. All DHS Headquarters personnel and most Component staff receive FOIA training as part of New Employee Orientation. This initial FOIA training is reinforced through mandatory online annual instruction in records management that also addresses staff FOIA responsibilities.

In addition to internal training that DHS and the Components provide to their staff, FOIA professionals throughout the Department also attended classes offered outside the Department by DOJ OIP, Office of Government Information Services (OGIS), ASAP, the Graduate School USA, and the Newseum Institute's First Amendment Center. Staff training this year included: Freedom of Information and Privacy Acts, Basic FOIA, FOIA Litigation,

FOIA for Attorneys and Access Professionals, Conflict Resolution, Advanced FOIA, Records Management, Exemption 5, Annual Report and Chief FOIA Officer Report Workshops, and ASAP's 8<sup>th</sup> Annual National Training Conference.

The DHS Privacy Office and several of the Components attended the following DOJ Agency Best Practices Workshops: Reducing Backlogs and Improving Timeliness; and Self-Assessments and Internal Reviews.

- Two DOJ OIP attorneys provided one day of basic FOIA refresher training to all USCIS FOIA processors and a second day of advanced FOIA training to all USCIS FOIA managers, supervisors, and senior staff at the USCIS National Records Center in Missouri.

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

DHS estimates 67 percent of all DHS FOIA professionals attended substantive FOIA training during this reporting period. The DHS Privacy Office and all of the Components reported that 100 percent of the FOIA professionals attended substantive FOIA training during this reporting period, with the following exceptions: USCG reported 90 percent, OIG reported 55 percent, CBP reported 30 percent, and the Office for Civil Rights and Civil Liberties (CRCL) reported zero percent.

6. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

The DHS Privacy Office has been working closely with DOJ OIP and the DHS Office of the Chief Human Capital Officer (CHCO) to deploy the DOJ OIP FOIA training modules for agency use in 2016. The DHS Privacy Office will make the training available to ensure FOIA professionals receive the FOIA training during the next reporting year.

### ***Outreach:***

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?
  - As noted in question four, the DHS Privacy Office and several of the Components attended the DOJ Agency Best Practices Workshops, which allowed them to interact with the requester community and open government groups. Additionally, the CBP and ICE Chief FOIA Officers served on the workshop panel for Reducing Backlogs and Improving Timeliness. The panelists provided information regarding their successful initiatives to reduce their backlogs.

- The DHS Privacy Office hosted an open forum meeting with representatives from the Components, OGIS, and several members of the requester community to discuss the Department’s FOIA process and ways to improve it.
    - The DHS Privacy Office staff are members of the DOJ Common FOIA Regulation working group, which includes meetings and frequent collaboration with open government groups.
    - The Deputy Chief FOIA Officer discussed the importance of agency self-assessments and DHS’s engagement with OGIS at ASAP’s Food for Thought Training titled “Conducting Assessments: The Road to FOIA Program Improvements,” which provided a training opportunity and informal dialogue with the requester community.
    - The DHS Privacy Office Director of FOIA Technology served on a panel at the 2015 Chief Information Officers Council Federal Privacy Summit regarding the development of the eFOIA mobile application.
  - USCIS conducted two outreach and information sharing sessions with representatives from the American Immigration Lawyers Association (AILA), the members of which are frequent FOIA requesters on behalf of immigrant clients.
    - The USCIS Chief FOIA Officer was the guest speaker at a quarterly luncheon held by members of the local AILA chapter.
    - During its Sunshine Week celebration, USCIS FOIA hosted an immigration attorney discussion panel. The USCIS Deputy Chief served as moderator of a panel of four local attorneys engaged in immigration law practice who were experienced with the filing of FOIA requests with USCIS and other DHS Components. The lively and informative question and answer session was presented to an audience of over 100 attendees.
    - The USCIS FOIA Significant Interest Group held outreach sessions via conference call with:
      - Judicial Watch;
      - Immigrant investors under the EB-5 program;
      - American Civil Liberties Union; and
      - Several news media representatives.
  - CBP participated in outreach and dialogue with AILA to provide updates to the FOIA program, response times for requests, and to address any other issues.
8. If you did not conduct any outreach during the reporting period, please describe why.
- ICE, USCG, and USSS devoted their resources to backlog reduction.
  - FEMA and TSA did not conduct any outreach due to staff shortages.

- CRCL, I&A, FLETC, and OIG relied on the DHS Privacy Office to conduct outreach during the reporting period. Additionally, FLETC and I&A indicated there are few frequent requesters for which outreach would have been necessary.

### ***Discretionary Releases:***

9. Does your agency have a distinct process or system in place to review records for discretionary release? If so, please briefly describe this. If your agency is decentralized, please specify whether all components of your agency have such a process or system in place.

- DHS and all of the Components have either a formal or an informal process in place to review records for discretionary release.

A few examples of the processes DHS has in place for reviewing records for discretionary release are provided below:

- The DHS Privacy Office, CBP, ICE, S&T, and USSS review the records on a case-by-case basis and determine what is appropriate for discretionary release.
- USCG requires an attorney to review all proposals to withhold information to ensure adherence with the 2009 FOIA Guidelines.
- OIG has a policy of making discretionary releases, per the 2009 FOIA Guidelines. While reviewing records, OIG ensures that openness and transparency prevail. OIG applies the foreseeable harm standard and discloses as much information as possible without compromising personal privacy, privileged records, or national security. When dealing with records that require full protection under the FOIA, OIG segregates and releases as much information as possible by exempting information that requires protection.
- USCIS has a formal process in place for discretionary releases. An approving team composed of senior processors reviews and approves all cases prior to release with the goal of providing discretionary releases, if possible. USCIS makes further discretionary releases during the FOIA appeals stage.
- ICE applies the foreseeable harm standard to identify records for release.
- FLETC FOIA professionals submit proposed applications of Exemption 5 to the Chief, Information Technology Business Management Division for review using the foreseeable harm standard.
- FEMA's program offices are required to provide a harm analysis when recommending withholding information pursuant to Exemption 5. Additionally, FEMA's Office of Chief Counsel reviews all records identified for discretionary release to ensure the maximum release to the public.

10. During the reporting period, did your agency make any discretionary releases of information?

Yes. DHS Components made discretionary releases during the reporting period.

11. What exemption(s) would have covered the material released as a matter of discretion?

DHS made discretionary releases of a variety of information that was otherwise exempt from release under the FOIA.

- The DHS Privacy Office, OIG, USCIS, ICE, FEMA, USCG, USSS, and S&T released material that could have been withheld pursuant to Exemption 5.
- USSS released information that could have been withheld pursuant to Exemption 7(E).

12. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

- The DHS Privacy Office released a cost estimate and PowerPoint presentation related to the eFOIA mobile application.
- OIG released information in audit and inspection work papers, comments made in e-mails discussing a particular course of action prior to a final decision being made on a draft regulation or directive, and various documents indicating that a particular issue was discussed, but did not disclose the details of the discussion.
- USCIS released drafts of documents, reports, and fact sheets prepared by agency program offices; statistical reports and data compilations not previously released by the agency; and training manuals and standard operating procedures.
- USSS released information pertaining to law enforcement techniques, attorney work-products, draft reports, and memoranda.
- ICE released and maintained an updated detainee death listing, which ICE posted when a detainee passed away in ICE custody. The listing consists of biographical and circumstantial information regarding each death.
- FEMA released grant application evaluation sheets, awarded and un-awarded grant applications, flood mapping documents, internal memoranda, and reports on policy issues.
- S&T released e-mails, memoranda, and drafts of documents that did not have major content differences in the final versions.
- USCG released information contained in closed safety and marine casualty investigations.

13. If your agency was not able to make any discretionary releases of information, please explain why.

- CRCL, FLETC, NPPD, TSA, and the Office of Operations Coordination (OPS) determined that the nature of their records did not allow for discretionary release.
- I&A determined that many of its records were classified or law enforcement sensitive, which did not allow for discretionary release.
- CBP determined that many of its records contained personally identifiable information or law enforcement sensitive information, which did not allow for discretionary release.

***Other Initiatives:***

14. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

- As noted in question two above, the DHS Privacy Office and several Components conducted New Employee Training, which includes FOIA professionals and non-FOIA professionals.
- The DHS Privacy Office provided a FOIA overview to the monthly Privacy Office Compliance Bootcamp, which included Privacy Office Compliance staff and new employees in the Components' privacy compliance teams.
- The DHS Privacy Office published a weekly Chief FOIA Officer Report regarding significant FOIA activity and distributed the report to the Component FOIA staff and non-FOIA staff. Components also distributed the report to their non-FOIA staff and leadership as they deemed appropriate. The reports are posted on the public facing DHS FOIA website.
- The Office of the General Counsel (OGC) provided a FOIA 101 training session to CRCL staff at a quarterly all hands meeting.
- CBP made the following efforts to inform non-FOIA professionals of their obligations under FOIA:
  - Conducted training for designated FOIA Points of Contact regarding search requirements, proper documentation, and deadlines.
  - Developed and distributed a FOIA directive signed by the Commissioner informing non-FOIA professionals of their obligations under the FOIA.
- TSA made the following efforts to inform non-FOIA professionals of their obligations under FOIA:



- Conducted two webinar training sessions for the designated FOIA Points of Contact regarding records searches and search terms, simple vs. complex requests, fee assessments, and litigation.
- Developed and posted an introduction to FOIA to its online learning site.
- OIG and USCG distributed information to non-FOIA professionals regarding upcoming FOIA training courses from DOJ and other entities.
- USCG Legal Service Offices provided basic FOIA training to the units in their areas of responsibilities.
- USCIS made the following efforts to inform non-FOIA professionals of their obligations under the FOIA:
  - Conducted outreach sessions with a number of USCIS program offices that routinely provide records.
  - Conducted many activities for the 2015 Sunshine Week. USCIS held information sessions with the various branches in the National Records Center and asked each of them to provide visual displays that highlighted their understanding of the roles in supporting the FOIA process. The main event of Sunshine Week was a FOIA Celebration attended by all National Records Center employees, in which the DCFOIAO was the guest speaker.
  - USCIS FOIA leadership conducted numerous informational sessions by video teleconference for Records Officer training courses, reminding attendees of their important obligations under the FOIA.
- USSS conducted FOIA training, and provided briefings to Special Agent recruits, Uniformed Division Officer recruits, and other USSS employees regarding their obligations under the FOIA.
- FEMA conducted training for its Region II, V, and VII personnel regarding their obligations under the FOIA. FEMA provided OIP training materials and the infographic at the training.
- I&A briefed its leadership weekly on FOIA cases and issues.

15. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. If any of these initiatives are online, please provide links in your description.

- The DHS Privacy Office issued a policy memorandum *Freedom of Information Act and 2015 Sunshine Week*,<sup>12</sup> in March 2015, highlighting some of the Department's accomplishments over the past year in furthering its openness and transparency initiatives. The Memorandum also asked FOIA Officers to remind all staff about the then

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<sup>12</sup> The DHS Privacy Office policy memorandum of March 16, 2015, is available at <http://www.dhs.gov/sites/default/files/publications/priv-foia-2015-sunshine-week.pdf>.

U.S. Attorney General’s call to action in his FOIA guidelines, issued March 19, 2009,<sup>13</sup> that “FOIA is everyone’s responsibility.” Although this memorandum was published during last year’s reporting period, the DHS Privacy Office distributed this memorandum throughout this reporting period at training sessions.

- CBP posted frequently requested records and reviewed records to determine which ones to post proactively. CBP posted over 11,000 pages of records to its Reading Room at <https://foiaonline.regulations.gov:443/foia/action/public/view/record/8095ff27> including United States Border Patrol Southwest Border Family Unit and Unaccompanied Alien Children (UAC) apprehensions statistics: <https://foiaonline.regulations.gov:443/foia/action/public/view/record/8095ff27>.
- I&A is conducting a comprehensive internal review and audit of its FOIA program seeking ways to apply the presumption of openness.
- USCG requires an attorney to review all proposals to withhold information to ensure adherence with the 2009 FOIA Guidelines. USCG posted the following records online with a presumption of openness: [http://www.uscg.mil/foia/FOIA\\_Library.asp](http://www.uscg.mil/foia/FOIA_Library.asp).

***B. Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests***

Please answer the following questions to describe the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient, including any additional information that describes your agency’s efforts in this area.

***Processing Procedures:***

1. For Fiscal Year 2015, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency’s Fiscal Year 2015 Annual FOIA Report. Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2015.

As Table 1 below indicates, DHS, as a whole, adjudicated requests for expedited processing in an average of 38 days.

**Table 1. Requests for Expedited Processing in FY 15 as Reported in FY 15 Annual Report**

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within 10 Calendar Days
CBP	30	2,474	27	49.47	962
CRCL	0	0	N/A	N/A	0
FEMA	1	12	4	4	1
FLETC	0	0	N/A	N/A	0

<sup>13</sup> The Attorney General’s Memorandum of March 19, 2009, is available at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>.

I&A	4	21	2.5	3.25	4
ICE	141	114	16	44.67	257
NPPD	0	0	N/A	N/A	0
OIG	2	23	4	4.72	24
PRIV	3	31	1	11.4	22
S&T	2	4	2	2	4
TSA	0	0	N/A	N/A	0
USCG	41	5	1	1.48	44
USCIS	10	770	3	4.92	733
USSS	2	28	1	1	30
<b>AGENCY OVERALL</b>	<b>236</b>	<b>3482</b>	<b>7</b>	<b>37.63</b>	<b>2081</b>

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

The DHS Privacy Office will work closely with all the Components to ensure that the average number of days for adjudicating requests for expedited processing is less than 10 days and the hiring of additional staff and other measures mentioned by these Components throughout the report will help to accomplish this goal.

3. If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps. If your agency is already handling the routing of misdirected requests in an efficient manner, please note that here and describe your process for these requests

Yes. In 2012, the DHS Privacy Office issued a memorandum on processing misdirected requests, emphasizing the importance of routing misdirected requests to the appropriate Component as soon as possible. DHS and its Components handle misdirected requests during daily triage and route the requests within one business day of receipt, if possible via e-mail. Some misdirected requests require additional time to consult with the Component for confirmation.

- USCG is decentralized, so all FOIA requests are tracked through its Policy Office and routed to the appropriate unit or directorate.
- CBP FOIA Headquarters Office handles the majority of FOIA requests or routes the requests to the ports for direct response. CBP uses the FOIAonline system to route requests requiring the assistance of other offices and has established Points of Contact in each main office who are responsible for routing the misdirected requests.

4. On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

- DHS, including all of its Components follow the guidance OIP issued on July 2, 2015. CBP, NPPD, OIG, USSS, TSA, USCG, and USCIS issued “still interested” letters sparingly, and in compliance with the new guidance.

### ***Requester Services:***

5. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes. If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here.

The DHS Privacy Office and the Components already have robust services in place to inform requesters of how the FOIA process works, to include the handling of their requests, and resolving disputes. The DHS Privacy Office constantly redesigns its public-facing FOIA website, <http://www.dhs.gov/freedom-information-act-foia>, to improve usability. The site features a simplified menu and graphic links to rich content. Detailed information explains how to submit a FOIA request and information on where to direct it, while a link off the index page enables requesters to check the status of submitted requests. The site provides a list of FOIA Officers and Public Liaisons along with their contact information and links to the Component websites. The Component FOIA websites also contain a great deal of information regarding how to submit a FOIA request, frequently asked questions, how to locate records on their sites, and dispute resolution services.

USCIS took the following steps to strengthen its services:

- Updated the automated responses to frequently asked questions on FOIA and FOIA requests on its National Customer Service Center Hotline.
- USCIS provides guidance on its website to FOIA requesters regarding its three-track processing system and how to dispute a FOIA case through OGIS: <http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/foia-privacy-act-overview/foiaprivacy-act-overview>.
- USCIS provides a table on its website that lists specific immigration records and provides a link to the websites for the Components within DHS or another federal agency under whose purview the records fall: <http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/how-file-foia-privacy-act-request/submitting-foia-requests>.

*Other Initiatives:*

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

The DHS Privacy Office took several steps to ensure that the FOIA program at the Department operates more efficiently:

- The DHS Privacy Office partnered with the Office of the Chief Information Officer (OCIO) to create and release the new eFOIA mobile application to simplify and enhance the submission process on a mobile phone for FOIA requesters. Key features of the application allow users – from their phone or tablet – to: (1) submit a FOIA request to any DHS Component; (2) check the status of their requests; (3) access all of the content on the DHS FOIA website and library; and (4) view updates, changes to events such as stakeholder meetings/conference calls, and recently published documents.
- Created a COTS web application working group led by the Director of FOIA Technology and comprised of users of the application from the DHS Privacy Office and the Components. The group assessed the system, shared effective search processes, and identified ways to eliminate redundancy.
- Met with the contractor for the COTS web application to address the unique needs of DHS and its Components, including ways to increase collaboration among the Components using the application and ways to finalize cases more efficiently.
- Met weekly with staff to discuss open FOIA requests and held a separate weekly meeting to discuss significant FOIA requests, litigation, and other FOIA issues.
- Redesigned the DHS FOIA Library to include the libraries for NPPD, FEMA, and TSA, making it easier to locate records disclosed by these Components.
- Met with OCIO staff on multiple occasions to discuss ways to improve the search process for e-mail records.

The DHS Privacy Office and several Components as members of the OCIO's Information Governance Requirements Working Group, are seeking ways to increase efficiencies and eliminate redundancies in the FOIA and Privacy Act, Legal, and Records Management lines of business. The group continues to review existing case management systems and identify requirements.

TSA took the following steps to ensure that its FOIA program operates efficiently:

- Established daily triage for incoming requests to include a search for identical or similar records already released to a different requester, which might be available for immediate release.
- Improved its process for tracking and tasking program offices responsible for conducting records searches.

OIG has taken numerous steps to improve its FOIA process:

- Continues to educate its employees on FOIA search and processing requirements to ensure complete and productive searches.
- Holds internal staff meetings with an agenda focusing on consistency in FOIA responses and in the application of the exemptions.
- Improved its communications with OIG management officials to provide updated information on FOIA production.
- Conducts self-assessments of its FOIA workload and staffing needs, in order to assess its continued need for assistance.

USCIS created a Quality Assurance team to enhance the accuracy and consistency of the final product at several stages in the USCIS FOIA process. The team conducted quality reviews and discrepancy checks on a sample of FOIA work produced in USCIS each month. The team analyzed the findings and presented them to the USCIS Chief FOIA Officer, senior managers, and supervisors who in turn shared the findings with the entire FOIA staff to improve the FOIA process.

ICE conducted weekly staff meetings to discuss efficiencies and find ways to improve the FOIA process.

S&T solicited feedback through evaluation forms after its biannual training sessions to address challenges and seek improvements in its FOIA program.

USSS conducted periodic reviews of its FOIA program, and identified ways to improve its administration of the FOIA. Many of these improvements involved streamlining traditionally time-consuming manual processes through the use of advanced technologies. USSS continued benchmarking other federal agencies for best practices.

I&A is engaged in a comprehensive internal review and audit of its FOIA program.

### ***C. Steps Taken to Increase Proactive Disclosures***

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below,

you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

### ***Posting Material:***

1. Describe your agency's process or system for identifying "frequently requested" records that should be posted online under the Subsection (a)(2) of the FOIA.

DHS and all of its Components follow the guidance set forth in a policy memorandum from December 2010, titled *DHS FOIA Office Procedures and Standards for Effectively Implementing Section (a)(2)(D) of the FOIA "Frequently Requested Documents" Procedures*,<sup>14</sup> which outlines the process for determining when and how to disclose frequently requested documents.

- The DHS Privacy Office identifies frequently requested records through its COTS web application, which has a built in request comparison feature that identifies similar requests already entered in the system. Users can also manually search for past requests via key word searches through any field in the system. If there are three or more requests seeking the same records, the DHS Privacy Office will post the records to the DHS FOIA Library. Additionally, the DHS Privacy Office analyzes past FOIA requests and posts them to the website via links in the FOIA logs. Any public user can access the FOIA logs, click on the request number, and download or view the records sent to the requester for that particular request.
- CBP uses its FOIAonline tracking system to mark specific records for public viewing, assigns these records key words for search purposes, and has made some records available in this manner. Additionally, CBP evaluates the records using the criteria of whether the records have been requested multiple times by different sources, whether they are related to a current event and likely to be requested again, or whether they are related to similar requests from previous years, e.g., a specific set of statistics requested each fiscal year by multiple sources. If CBP determines the records meet the aforementioned criteria, CBP posts the records in the reading room.
- USCIS follows a standard "rule of three" when determining if a record falls into the frequently requested category. The USCIS electronic processing system alerts staff when any record is requested at least three different times. USCIS pulls the record and reviews it for proactive disclosure.
- NPPD also follows the standard rule of three but may consider a second request as a frequently requested record.
- ICE tracks incoming requests through the COTS web application, which allows the intake team to track duplicate or similar requests. The intake team notifies the leadership via e-mail.

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<sup>14</sup> This guidance is available at <http://www.dhs.gov/xlibrary/assets/foia/cfoiao-memo-dhs-priv-foia-a2d-procedures-20101208.pdf>.

- I&A, FEMA, and TSA use the COTS web application to identify frequently requested records.
  - S&T considers two requests for the same records to be frequently requested records and recommends posting to the DHS website.
  - FLETC and FEMA monitor FOIA logs for frequently requested records.
2. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.

Yes, see the processes and systems below and question one as the process for identifying frequently requested records is interwoven with the process for identifying records for proactive disclosure. DHS and the majority of its Components review the records on a case-by-case basis to determine if the records are appropriate for proactive disclosure given the nature of the records.

- The USCIS FOIA staff identifies records for proactive disclosure and posting to the USCIS Electronic Reading Room and the USCIS FOIA website by working closely with its Office of Communication and Public Outreach, the Contracting Office, and the Office of Immigration Investor Programs.
  - USSS flags frequently requested records pertaining to matters of significant interest to the general public, and posts the records to the USSS FOIA Library.
  - FEMA collaborates with its program offices to discuss posting records that are publicly available for release.
  - ICE has several employees who see every incoming FOIA request and flag requests for posting to the ICE FOIA Library. Additionally, ICE has made arrangements with several program offices to receive copies of frequently-requested reports as they are finalized so that those reports can be posted immediately.
  - OIG ensures the transparency of OIG operations by posting its final audit and inspection reports (with any classified or sensitive information necessarily protected). In general, if OIG receives three or more FOIA requests seeking similar information, and the responsive records are publicly releasable, OIG posts the requested records to the OIG reading room website.
3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall. Please note that this question is directed at the efforts of actually posting the records online once all disclosure determinations have been made. For example, efforts to load the records in your web content platform or making the releasable documents accessible in compliance with Section 508 of the Rehabilitation Act.



The DHS Privacy Office and the majority of the Component FOIA professionals are not involved in coding the records for Section 508 compliance or otherwise preparing them for posting with the exceptions noted below, nor is any data available regarding time associated with these efforts unless noted below.

- CBP developed and implemented tools to increase the posting of information to CBP websites, CBP's FOIA Reading Room, and the FOIAonline Reading Room. Three employees received training from the DHS 508 Compliance program to learn how to post documents in a releasable format. CBP estimates its FOIA staff spends 15 to 20 minutes per record to ensure the records are 508 compliant.
- USCIS estimates its FOIA professionals spend 25 hours per week actually posting records on its website and 25 hours for the other USCIS personnel to format and ensure the records are ready for release online in an accessible format.
- ICE customized the settings in the COTS web application to ensure the records are automatically Section 508 compliant.

4. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

Yes, see below.

5. If so, please briefly explain what those challenges are.

- USSS encountered challenges posting video footage.

6. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

- The DHS Privacy Office proactively posted 54,177 pages to the DHS FOIA Library in FY 2015 including:
  - DHS FOIA logs: <http://www.dhs.gov/dhs-privacy-foia-logs>;
  - Various contracts and solicitations: <http://www.dhs.gov/procurement-awards-and-orders>;
  - Congressional correspondence logs: <http://www.dhs.gov/congressional-correspondence-logs>; and
  - Calendars of senior officials: <http://www.dhs.gov/events>.
- FEMA posted disaster claims data and project worksheets: <http://www.dhs.gov/publication/fema-records>.
- TSA posted airport throughput data, procurement awards and orders, policy statements, and FOIA logs: <http://www.dhs.gov/tsa-foia-library>.

- USCG posted administrative investigations: [http://www.uscg.mil/foia/FOIA\\_Library.asp](http://www.uscg.mil/foia/FOIA_Library.asp).
- OIG posted completed inspection and audit reports, management alerts, quarterly FOIA logs, and quarterly Congressional correspondence logs. In addition, OIG posted frequently requested records including a list of closed OIG investigations from 2010 through 2012, a list of closed OIG investigations pertaining to the USSS from 2011 through 2014, and a list of allegations of sexual assault at ICE facilities:
  - FY 2015 audit/inspection reports: [https://www.oig.dhs.gov/index.php?option=com\\_content&view=article&id=217&Itemid=206](https://www.oig.dhs.gov/index.php?option=com_content&view=article&id=217&Itemid=206);
  - FY 2016 audit/inspection reports: [https://www.oig.dhs.gov/index.php?option=com\\_content&view=article&id=247&Itemid=310](https://www.oig.dhs.gov/index.php?option=com_content&view=article&id=247&Itemid=310);
  - Management Alerts: [https://www.oig.dhs.gov/index.php?option=com\\_content&view=article&id=233&Itemid=2110](https://www.oig.dhs.gov/index.php?option=com_content&view=article&id=233&Itemid=2110); and
  - OIG FOIA reading room: [https://www.oig.dhs.gov/index.php?option=com\\_content&view=article&id=10&Itemid=78](https://www.oig.dhs.gov/index.php?option=com_content&view=article&id=10&Itemid=78).
- ICE posted Office of Detentions Oversight Compliance Inspection Reports, FOIA logs and a current list of detainee deaths while in ICE custody:
  - <http://www.ice.gov/foia/library>.
  - <https://www.ice.gov/sites/default/files/documents/FOIA/2015/detaineedeaths2003-present.pdf>.
- USCIS posted contracts and records pertaining to EB-5 Regional Centers, Administrative Appeals Office decisions, employment based petitions, and Alien files of interest: <http://www.uscis.gov/about-us/electronic-reading-room>.
- S&T posted Sponsorship Agreements with Federally Funded Research and Development Centers and S&T Laboratory Fact Sheets:
  - <http://www.dhs.gov/publication/st-foia-releases>.
  - <http://www.dhs.gov/publication/dhs-s-and-t-laboratory-fact-sheet>.
- USSS posted its FOIA logs and records pertaining to the Occupy movements:
  - [http://www.secretservice.gov/data/foia/reports/FOIA\\_Logs\\_2014.pdf](http://www.secretservice.gov/data/foia/reports/FOIA_Logs_2014.pdf).
  - [http://www.secretservice.gov/data/foia/reports/Occupy\\_FOIA6.pdf](http://www.secretservice.gov/data/foia/reports/Occupy_FOIA6.pdf).

- NPPD posted contracts and records pertaining to new hires:
  - <http://www.dhs.gov/nppd-procurement-awards-and-orders>.
  - <http://www.dhs.gov/publication/nppd-hires-december-1-2009-september-30-2012>.
- CBP posted the following records:
  - <https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2801dfc18>;
  - Juvenile Apprehension Logs made by the Office of Border Patrol for certain time periods, in response to the Unaccompanied Children issues: <https://foiaonline.regulations.gov/foia/action/public/view/record?objectId=090004d28095ff2f>; and
  - Concept of Operations Plan for Unmanned Aircraft Systems: <https://foiaonline.regulations.gov/foia/action/public/view/record?objectId=090004d2809602d5>.

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts. For example, this can be done through social media or with the offering of e-mail subscription services.

- The DHS Privacy Office uses a web service called GovDelivery that allows subscribers to receive e-mail notifications whenever new material is posted. Additionally, the DHS Privacy Office through its eFOIA mobile application enables users to view updates and alerts.
- OIG has an e-mail subscription service and uses social media as a means of transparency, advising its Twitter followers of newly-released reports and documents.
- ICE offers an e-mail service that allows subscribers to receive e-mail notifications whenever new documents are posted to the ICE-FOIA Library.

*Other Initiatives*

8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

- The Department remains committed to increasing proactive disclosures as mentioned throughout the report, but has nothing further to describe.

### ***D. Steps Taken to Greater Utilize Technology***

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

#### ***Making Material Posted Online More Usable:***

1. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website? Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

Yes, see below.

2. If yes, please provide examples of such improvements. If your agency is already posting material in its most useful format, please describe these efforts.
  - The DHS Privacy Office redesigned the DHS FOIA Library to include the libraries for NPPD, FEMA, and TSA, making it easier to locate records disclosed by these Components.
  - As mentioned throughout the report the DHS Privacy Office through its eFOIA mobile application enables users to access all of the content on the FOIA website, including the DHS FOIA Library from their mobile devices. The material posted is in PDF format, which is easily accessible on any computer or mobile device.
  - USSS redesigned its website to improve search capabilities and to highlight posted materials.
  - CBP ensures its material posted to the Reading Room is 508 compliant. CBP uses FOIAonline which is an internet-based website accessible and searchable by mobile devices.
  - OIG monitors its website to ensure materials are accessible and current. OIG posts frequently requested records and updates them as required. OIG also uses social media as a means of transparency, advising its Twitter followers of newly-released reports, ways to report allegations, and about whistleblower protection resources. Twitter serves as a secondary communication conduit to further the impact, and accessibility, of OIG

publications. Additionally, the public is provided with the option of signing up for e-mail notifications each time a new report is posted on the website.

- I&A is a participating agency in the development of the Principles of Intelligence Transparency for the Intelligence Community (IC). In February 2015, the Director of National Intelligence (DNI) published the four Principles, which are intended to facilitate IC decisions on making information publicly available in a manner that enhances public understanding of intelligence activities, while continuing to protect information when disclosure would harm national security. The Principles are summarized below and posted on the DNI webpage: <http://www.dni.gov/index.php/intelligence-community/intelligence-transparency-principles>.
    - Provide appropriate transparency to enhance public understanding of the IC.
    - Be proactive and clear in making information publicly available.
    - Protect information about intelligence sources, methods, and activities.
    - Align IC roles, resources, processes, and policies to support transparency implementation.
  - USCIS used its FOIA requester outreach activities to solicit feedback regarding its website and to provide extensive information on the wealth of records and data available on its website. USCIS collaborated with its Plain Language Office to streamline webpages. USCIS also collaborated with its Administrative Appeals Office to restructure the way its decisions are written for less redaction, which resulted in decisions being posted online within 10 days.
3. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

DHS and its Components listed below interacted with the following agency staff to identify new ways to post agency information online:

- The DHS Privacy Office and USSS interacted with their respective Offices of Public Affairs.
- OIG and I&A interacted with their respective Offices of Public Affairs and information technology staff.
- USCIS interacted with its Office of Communications.
- FEMA interacted with its OCIO and External Affairs.
- S&T interacted with its Office of Corporate Communications.

### *Use of Technology to Facilitate Processing of Requests:*

4. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools. (Please note that this question is focused on training provided to your FOIA professionals for the use of technology and IT tools that assist them in their day-to-day work of processing requests.)

Yes, the DHS Privacy Office and the Component FOIA Offices conducted and attended training for processing tools during the reporting period as noted below:

- The DHS Privacy Office provided the following training on its COTS web application:
    - An overview of the application to NPPD FOIA leadership and to members of the Information Governance Working Group.
    - Three separate training sessions to TSA regarding overall use, the Advanced Document Review, and how to use the Vaughn index function.
    - Training to FEMA regarding proficient searches and redactions.
  - CBP provided refresher training to its staff regarding its FOIAonline tracking system, best practices for searching and using CBP's databases, and the use of CBP's FOIA Helper tool.
  - USCIS provided training to its staff on the full use of technology available to them to perform their daily responsibilities from home, as they are now authorized to telework four days a week.
  - ICE trained Office of the Principal Legal Advisor Government Information Law Division attorneys on the COTS web application for integration into their processes.
  - OIG conducted training on its newly acquired eDiscovery tool.
  - USSS provided refresher training to its staff regarding its COTS web application.
5. Beyond using technology to redact documents, is your agency taking steps to use more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, describe the technological improvements being made.
- The DHS Privacy Office and the Components have been using a COTS web application for the past three years, which allows for document sharing and complete interoperability between all Components that use the application. The application provides a de-duplication capability that is currently being used by a small number of Components. This capability allows FOIA staff to upload documents and e-mail correspondence files and reduce duplicates based on a comparison process performed by the application.

- The eFOIA mobile application that the Department launched allows mobile device users to submit requests to any DHS Component as well as check the status of any request submitted to any DHS Component currently using the COTS web application.
- The DHS Privacy Office launched an online check status capability that allows requesters to check the status of any request submitted to any Component using the COTS web application from the DHS FOIA website.
- FEMA purchased and implemented de-duplication software for its COTS web application.
- S&T uses its internal SharePoint sites to coordinate the reviews of records with its program offices.
- USCIS is researching the procurement of a new FOIA processing system for implementation by the end of FY 2016. Among the requirements for the new system are de-duplication capabilities, ability to release records to requesters electronically, improved user interface for printing requests from teleworkers, and enhanced speed in all processing actions. USCIS uses the Enterprise Collaboration Network to coordinate records searches with its program offices.
- NPPD is using a de-duplication tool and software that can redact Exemption 6 information from videos.
- CBP uses a scripting tool that receives occasional updates as new TECS<sup>15</sup> pages are discovered, or previously loaded pages shift fields. Much of the rote, repetitive redacting is handled within this tool. CBP is consulting with its Office of Information Technology to develop an upgraded search tool which will pull from multiple systems and automatically upload the records into FOIAonline.
- ICE granted full access in its COTS web application to its Government Information Law Division attorneys to collaborate, consult, and review records. Additionally, ICE purchased de-duplication software for use in the next fiscal year.
- OIG recently acquired an eDiscovery tool that has the ability to sort and de-duplicate e-mails. This software is already being used by OIG's information technology department to aid in e-mail searches. Additionally, OIG is exploring new software to track OIG's FOIA requests, more easily share records and information during searches and legal review, and assist with monthly and annual reporting requirements.
- FLETC uses SharePoint to communicate, consult, and share records.
- USSS deployed new technology to search for e-mail records more efficiently.

6. Are there additional tools that could be utilized by your agency to create further efficiencies?

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<sup>15</sup> See footnote 11 regarding TECS information.

- CBP is collaborating with its Office of Technology to ensure FOIA requirements are included in the upcoming TECS modernization to create efficiencies as CBP moves away from databases built on mainframe technology.
- USSS indicated de-duplication software and technology to sort and index voluminous records and blur faces would create further efficiencies.
- OIG indicated a web portal linked to its FOIA tracking database would create efficiencies by allowing requesters to not only submit a request online, but also check the status of the request as it moves through the processing stages.

***Other Initiatives:***

7. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

Yes, DHS posted all of the required quarterly reports to DOJ on the FOIA.gov website.

8. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2016.

This is not applicable to DHS.

9. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? If yes, what are the different types of electronic means are utilized by your agency to communicate with requesters?

Yes, DHS and all of its Components use e-mail or other electronic means to communicate with requesters when feasible. CBP also uses FOIAonline to communicate with requesters.

10. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

This is not applicable to DHS.

***E. Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs***

The President and the U.S. Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. *For the figures required in this Section, please use those contained in the*



specified sections of your agency’s 2015 Annual FOIA Report and, when applicable, your agency’s 2014 Annual FOIA Report.

**Simple Track Requests:**

Section VII.A of your agency’s Annual FOIA Report, entitled “FOIA Requests – Response Time for All Processed Requests,” includes figures that show your agency’s average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for “simple” requests, which are those requests that are placed in the agency’s fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

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

Yes, DHS utilizes a separate track for simple requests. In FY 2015, the Department received 281,138 FOIA requests, and processed 348,878 requests as compared to 238,003 in FY 2014. DHS closed 152,481 simple perfected requests in FY 2015, a 50 percent increase compared with the 75,687 closed in FY 2014. The Department closed 179,011 complex perfected requests in FY 2015, an 18 percent increase compared with the 146,193 closed in FY 2014. In total, DHS closed 331,492 perfected simple and complex requests in FY 2015 and released responsive records in 70 percent of those cases.

2. If so, for your agency overall, for Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

The Department closed 32 percent more requests in FY 2015 compared to FY 2014. The response time for simple perfected requests that were closed in FY 2015 increased slightly by 16 percent, from 21 to 25 days, with no change in the median number of nine days.

- Eleven of the 14 processing Components had median processing times under 20 days for simple perfected closed requests.
- Nine of the 14 processing Components had average processing times under 20 days for simple perfected closed requests.
  - As Table 2 below indicates, the DHS Privacy Office, CBP, CRCL, I&A, OIG, S&T, USCG, USCIS, and USSS had median and average response times for simple perfected closed requests of less than 20 days.

**Table 2. Response Time for All Processed Perfected Requests in FY15 as Reported in FY15 Annual Report**

Component	Simple			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	2	5.83	1	20
CRCL	3	4.23	1	12
FEMA	147.5	235.45	1	882

Component	Simple			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
FLETC	15.5	25.94	1	218
I&A	12	13.98	1	63
ICE	6	20	1	669
NPPD	64	72.09	1	269
OIG	9	13.24	1	65
PRIV	7	8.26	1	20
S&T	11	10.27	1	33
TSA	176	232.47	1	1,306
USCG	11	10.92	1	20
USCIS	15.07	17.6	1	282
USSS	14	13.25	1	20
<b>AGENCY OVERALL</b>	<b>9</b>	<b>25.44</b>	<b>1</b>	<b>1,306</b>

- Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

In FY 2015, DHS processed 348,878 requests, of those 153,553 or 44 percent were simple.

- If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

This is not applicable to DHS.

### ***Backlogged Requests***

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

- If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

Yes, as Table 3 below indicates, the DHS backlog decreased in FY 2015 by 66 percent. This decrease is due to the joint initiatives of two Components and the DHS Privacy Office. ICE decreased its backlog by more than 99 percent, CBP decreased its backlog by 73 percent, and the DHS Privacy Office decreased its backlog by 19 percent.

**Table 3. Comparison of Backlogged Requests from Previous and Current Annual Report<sup>16</sup>**

Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
CBP	34,308 <sup>17</sup>	9,280
CRCL	3	14
FEMA	769	760
FLETC	1	22
I&A	20 <sup>18</sup>	32
ICE	56,863	555
NPPD	3,880 <sup>19</sup>	4,749
OIG	48	91
PRIV	64	52
S&T	1	1
TSA	875 <sup>20</sup>	876
USCG	1,261	1,904
USCIS	5,026	16,247
USSS	659	791
<b>AGENCY OVERALL</b>	<b>103,778</b>	<b>35,374</b>

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors: an increase in the number of incoming requests, a loss of staff, and/or an increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.

This is not applicable to DHS.

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests *received* by your agency in Fiscal Year 2015. To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of requests received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

DHS received 281,138 requests in FY 2015. The backlog of 35,374 requests comprises 13 percent of requests received.

<sup>16</sup> Find the 2014 Annual Report at [http://www.dhs.gov/sites/default/files/publications/dhs-foia-annual-reports-fy-2014\\_0.pdf](http://www.dhs.gov/sites/default/files/publications/dhs-foia-annual-reports-fy-2014_0.pdf).

<sup>17</sup> Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report from Last Year's Annual Report corrected due to Component reporting error in FY 2014.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

### *Backlogged Appeals*

8. If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

In FY 2015, the DHS appeals backlog increased by 22 percent. Although the overall agency appeals increased, Table 4 below indicates USCIS eliminated its backlog, FLETC's backlog remained at zero; and OIG, TSA, USCG, and USSS reduced their backlogs.

**Table 4. Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report**

<b>Component</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b>
CBP	8	15
FEMA	30	33
FLETC	0	0
ICE	43	83
OGC	11	32
OIG	17	2
TSA	12	3
USCG	33	20
USCIS	2	0
USSS	4	3
<b>AGENCY OVERALL</b>	<b>160</b>	<b>191</b>

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog. When doing so, please also indicate if any of the following were contributing factors: an increase in the number of incoming appeals, a loss of staff, and/or an increase in the complexity of the requests received). If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- FEMA's backlog increased due to staff turnover and vacancies.
  - ICE's and CBP's backlogs increased due to increases in the number of appeals received, which were related to the increases in the number of requests received and processed by these Components.
10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with "N/A." To calculate your agency's percentage, you must divide the number of backlogged appeals reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of appeals received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

DHS received 4,679 appeals in FY 2015 with a backlog of 190 appeals, for which four percent of the appeals make up the backlog.

***Backlog Reduction Plans:***

11. In the 2015 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2014 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2015?

As noted in last year's report, the DHS Privacy Office and the Components were committed to reducing their backlogs and implemented several plans. As noted in question five and Table 3 above, the DHS backlog decreased in FY 2015 by 66 percent. Backlog reduction plans mentioned and implemented from last year's report include:

- The DHS Privacy Office responsible for the oversight of the Department's FOIA program, partnered with CBP to eliminate the CBP backlog in 2015.
  - The DHS Privacy Office sent monthly e-mails to the Component FOIA officers containing charts depicting DHS FOIA Backlog monthly statistics including a summary and analysis. The e-mails also included 10 Oldest Requests, FOIA Appeals, and Proactive Disclosure information, and suggested steps to improve production.
  - The DHS Privacy Office convened weekly management meetings, conducted oversight of the FOIA processing workload, and devoted considerable executive

- attention to requests that require other offices to provide the DHS Privacy Office with responsive materials.
- The DHS Privacy Office leadership met weekly to discuss the 10 oldest FOIA requests, appeals, and outstanding consultations, and determine what steps needed to be taken to complete the processing of these requests.
  - On a monthly basis, or as needed, the Senior Director of FOIA Operations, along with senior staff, reviewed the workload of each analyst to determine whether cases needed to be redistributed, and to consider, together with the Deputy Chief FOIA Officer, the possible reallocation of resources where needed. In addition, on a quarterly basis, the Senior Director of FOIA Operations, together with other senior staff members, reviewed the existing backlog to determine the number of cases pending for more than the 20 days, as provided by statute.
  - The Senior Director of FOIA Operations continued to monitor staffing levels and make recommendations to the DHS Privacy Office leadership to ensure that the number of personnel dedicated to FOIA was adequate to process expected increasing workloads. However, the Department notes that staffing will continue to be a challenge. Thus, it may be increasingly difficult to maintain appropriate staffing levels to fulfill the mission in the manner in which the Department is accustomed.
- FEMA trained regional points of contact, and used its COTS web application to reduce duplicate data calls.
  - CBP implemented the following actions to reduce the FOIA backlog:
    - Hired and trained additional FOIA Government Information Specialists;
    - Encouraged more law firms to file FOIA requests online instead of by mail to reduce administrative processing time;
    - Used CBP interns to conduct record searches;
    - Built better relationships within and managed the workload of field employees who process FOIA requests on a regular basis;
    - Established daily and weekly productivity goals for CBP FOIA staff and field employees;
    - Improved in-take processes to check for FOIA duplicates and non-FOIA requests;
    - Updated CBP FOIA guidance and quick tip guides to assist Headquarters and field employees in FOIA processing;
    - Collaborated with CBP's Office of Human Resources Management to develop written procedures for each of the processes within the FOIA Division;
    - Used resources from the Office of Field Operations and Office of Border Patrol to assist in record searches;
    - Worked with the Office of Information Technology to use a modernized version of the TECS<sup>21</sup> records system to increase the speed of records searches and redaction of information; and
    - Detailed 12 individuals from headquarters offices to FOIA for 90 days to review records, redact, and ensure searches were conducted properly.

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<sup>21</sup> See footnote 11 for information regarding TECS.

- USCIS took the following steps to reduce its backlog:
  - Authorized overtime for its staff to reduce the backlog upfront during the months when requests are typically reduced;
  - Requested additional personnel to reduce the backlog; and
  - Met with its Forecasting and Modeling Branch to develop a Staffing Allocation Module for FOIA to better forecast its future workload and ensure adequate staffing levels.
- NPPD took the following steps to reduce its backlog:
  - Detailed to OBIM one full time FOIA specialist and four FOIA specialists who worked part time to do data entry and case work; and
  - Hired two contractors to do data entry and document scanning for OBIM; and
  - OBIM is continuing its ongoing service level agreement with USCIS National Records Center to process all OBIM referrals.
- ICE took the following steps to reduce its backlog:
  - Awarded a multi-million dollar contract for backlog reduction, fully implemented the COTS web application and participated in vendor training to improve its processing.
  - Increased its staff by seven full-time federal employees;
  - Detailed employees from various offices to assist in its backlog reduction efforts; and
  - Brought on interns and individuals from Operation Warfighter.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2015, what is your agency's plan to reduce this backlog during Fiscal Year 2016?

The DHS Privacy Office and the Components listed above will continue to implement the above plans along with the following efforts for the year ahead:

- The DHS Privacy Office is partnering with FEMA to eliminate the FEMA backlog in 2016 through a contract.
- CBP is continuing its ongoing service level agreement with USCIS National Records Center to process referrals for A-File information and using interns to work on traveler requests and train additional staff to redact and coordinate with staff in other offices to send out final responses.
- USCIS is taking the following steps to reduce its backlog:
  - Expanding the use of overtime for its staff to seven days a week with a maximum of 30 hours per week;
  - Filling 30 additional FOIA positions in FY 2016; and
  - Exploring the possibility of a contract for backlog reduction.

- USSS plans to hire additional personnel to fill vacant positions, detail personnel from other program offices, and use interns to reduce the backlog.
- USCG plans to increase communication with its field offices and leadership through the issuance of quarterly delinquency reports.
- I&A plans to conduct a comprehensive audit and assessment of its backlogged requests and establish completion date goals.

***Status of Ten Oldest Requests, Appeals, and Consultations:***

Section VII.E, entitled “Pending Requests – Ten Oldest Pending Requests,” Section VI.C.(5), entitled “Ten Oldest Pending Administrative Appeals,” and Section XII.C., entitled “Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency,” show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

***Ten Oldest Requests:***

13. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

No, DHS did not close the 10 oldest requests in FY 2015.

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your “ten oldest” in Section VII.E. and you closed six of them, you should note that you closed six out of seven “oldest” requests.

DHS closed nine of the 10 oldest requests in FY 2015, and 86 percent of the 10 oldest requests for each of the Components combined. Table 5 below shows the 10 oldest requests that were pending for each Component as of the end of FY 2014.

**Table 5. Ten Oldest Pending Requests as Reported in the 2014 Annual FOIA Report<sup>22</sup>**

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	2012-11-08	2012-11-08	2012-11-08	2012-11-08	2012-11-07	2012-11-07	2012-11-07	2012-11-06	2012-10-23	2012-10-09
	Number of Days Pending	482	482	482	482	482	483	483	484	494	504
CRCL	Date of Receipt	N/A	2014-09-24	2014-09-24	2014-09-24	2014-09-03	2014-08-25	2014-08-25	2014-07-30	2014-05-19	2014-03-24
	Number of Days Pending	0	1	4	4	19	26	26	44	96	136

<sup>22</sup>The requests, appeals, and consultations reported in the 2014 FOIA Annual Report that are still pending are highlighted in red in the Ten Oldest Pending Requests (Table 5) and Ten Oldest Pending Appeals (Table 6).



Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
FEMA	Date of Receipt	2012-03-09	2012-03-05	2012-03-05	2012-02-27	2012-02-08	2012-02-06	2011-11-28	2011-01-03	2010-09-10	2007-09-07
	Number of Days Pending	644	648	648	653	665	667	715	944	1,020	1,761
FLETC	Date of Receipt	N/A	N/A	N/A	2014-09-2	2014-09-24	2014-09-11	2014-09-11	2014-09-11	2014-09-09	2014-08-22
	Number of Days Pending	0	0	0	1	4	13	13	13	15	27
I&A	Date of Receipt	2014-05-15	2014-04-29	2014-04-10	2014-01-20	2013-10-22	2013-10-18	2013-09-27	2013-08-01	2013-07-22	2013-02-12
	Number of Days Pending	100	111	124	182	244	246	260	300	308	420
ICE	Date of Receipt	2013-06-24	2013-06-24	2013-05-21	2013-04-30	2013-04-17	2013-04-10	2012-11-15	2012-11-15	2012-11-04	2012-10-10
	Number of Days Pending	327	327	350	365	374	379	478	478	485	503
NPPD	Date of Receipt	2014-01-15	2014-01-15	2014-01-15	2014-01-15	2014-01-15	2014-01-15	2014-01-07	2014-01-06	2014-01-06	2014-01-06
	Number of Days Pending	185	185	185	185	185	185	191	192	192	192
OIG	Date of Receipt	2013-08-30	2013-08-06	2013-08-06	2013-06-17	2013-06-13	2013-05-20	2013-03-13	2013-03-01	2013-02-28	2013-02-01
	Number of Days Pending	280	297	297	332	334	351	399	407	408	526
OPS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PRIV	Date of Receipt	2013-11-13	2013-10-24	2013-10-21	2013-10-17	2013-10-17	2013-09-25	2013-09-03	2013-08-26	2013-08-26	2013-07-08
	Number of Days Pending	220	233	236	238	238	242	258	263	263	298
S&T	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2014-07-18
	Number of Days Pending	0	0	0	0	0	0	0	0	0	52
TSA	Date of Receipt	2010-08-26	2010-06-24	2010-06-14	2010-04-10	2010-03-30	2010-03-22	2010-02-25	2010-01-29	2010-01-05	2009-11-23
	Number of Days Pending	1,030	1,074	1,082	1,133	1,135	1,141	1,158	1,172	1,189	1,217
USCG	Date of Receipt	2010-06-11	2010-05-26	2010-05-17	2010-05-07	2010-04-27	2010-04-05	2010-03-30	2010-02-24	2010-02-22	2009-11-25
	Number of Days Pending	1,091	1,102	1,109	1,115	1,123	1,139	1,143	1,167	1,169	1,223
USCIS	Date of Receipt	2014-01-31	2014-01-29	2014-01-24	2014-01-24	2014-01-23	2014-01-22	2014-01-21	2014-01-06	2013-12-04	2013-11-21
	Number of Days Pending	173	175	178	178	179	180	181	184	215	223
USSS	Date of Receipt	2009-06-15	2009-01-30	2009-01-14	2008-10-08	2008-02-05	2008-01-29	2007-11-26	2007-10-18	2007-01-09	2006-12-01
	Number of Days Pending	1,336	1,430	1,440	1,505	1,677	1,682	1,725	1,750	1,946	1,970
AGENCY OVERALL	Date of Receipt	2009-01-30	2009-01-14	2008-10-08	2008-02-05	2008-01-29	2007-11-26	2007-10-18	2007-09-07	2007-01-09	2006-12-01
	Number of Days Pending	1,430	1,440	1,505	1,677	1,682	1,725	1,750	1,761	1,946	1,970

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

- I&A closed one request and provided four interim responses.
- OIG closed one request and provided one interim response.
- USSS closed one request and provided no interim responses.

- TSA closed two requests and provided no interim responses.

**Ten Oldest Appeals:**

16. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

No, DHS did not close the 10 oldest administrative appeals pending at the end of FY 2014.

17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. For example, if you only had seven appeals listed as part of your “ten oldest” in Section VII.C.(5) and you closed six of them, you should note that you closed six out of seven “oldest” appeals.

As noted in question 16, and as Table 6 below indicates, DHS did not close the 10 oldest administrative appeals pending at the end of FY 2014. DHS closed five of the 10 oldest appeals in FY 2015 and 78 percent of the 10 oldest administrative appeals for all the Components combined. As of the end of November 2015, DHS closed 79 percent of the 10 oldest requests for each of the Components combined.

**Table 6. Ten Oldest Pending Appeals as Reported in the 2014 Annual FOIA Report**

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
CBP	Date of Receipt	2014-09-12	2014-09-12	2014-06-05	2014-03-07	2014-03-07	2013-12-23	2013-12-16	2013-12-16	2013-12-12	2013-12-03
	Number of Days Pending	13	13	84	148	148	202	207	207	209	216
FEMA	Date of Receipt	2012-10-12	2012-07-24	2012-03-06	2011-10-28	2011-10-05	2010-10-11	2010-04-12	2009-08-31	2009-06-25	2009-02-26
	Number of Days Pending	501	557	655	742	758	1,007	1,134	1,282	1,328	1,412
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
ICE	Date of Receipt	2013-04-11	2013-04-11	2013-04-10	2013-03-27	2013-03-13	2013-03-13	2013-02-20	2013-02-20	2013-01-14	2013-01-02
	Number of Days Pending	371	371	372	382	392	392	407	407	432	440
OGC	Date of Receipt	2014-08-27	2014-08-22	2014-08-22	2014-08-08	2014-07-25	2014-06-24	2014-06-03	2014-04-29	2014-02-18	2013-10-27
	Number of Days Pending	24	27	27	37	47	69	84	108	258	235
OIG	Date of Receipt	2013-07-25	2013-06-24	2012-12-17	2012-09-06	2012-08-06	2012-07-03	2010-11-10	2010-09-15	2009-01-14	2008-11-14
	Number of Days Pending	305	327	457	526	548	571	986	1,025	1,440	1,480

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
TSA	Date of Receipt	2014-06-25	2014-04-28	2014-04-28	2014-04-23	2014-02-27	2014-02-04	2014-01-09	2013-11-27	2013-10-23	2012-11-15
	Number of Days Pending	72	112	115	157	159	171	189	220	243	475
USCG	Date of Receipt	2013-07-02	2013-06-18	2013-06-12	2013-05-06	2013-04-04	2013-03-15	2013-02-18	2013-01-30	2012-08-02	2009-03-10
	Number of Days Pending	321	331	335	361	383	397	416	428	550	1,404
USCIS	Date of Receipt	2014-09-15	2014-09-15	2014-09-10	2014-09-10	2014-09-10	2014-09-10	2014-09-10	2014-09-10	2014-08-08	2014-07-18
	Number of Days Pending	12	12	15	15	15	15	15	15	38	53
USSS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	2014-09-05	2014-08-27	2014-08-13	2014-08-08	2014-06-24
	Number of Days Pending	0	0	0	0	0	17	23	33	36	68
AGENCY OVERALL	Date of Receipt	2010-11-10	2010-10-11	2010-09-15	2010-04-12	2009-08-31	2009-06-25	2009-03-10	2009-02-26	2009-01-14	2008-11-14
	Number of Days Pending	986	1,007	1,025	1,134	1,282	1,328	1,404	1,412	1,440	1,480

**Ten Oldest Consultations:**

18. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Yes, DHS closed the 10 oldest consultations at the end of FY 2014.

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

This is not applicable to DHS.

**Table 7. Ten Oldest Pending Consultations as Reported in the 2014 Annual FOIA Report**

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	2013-05-22	2013-04-15	2013-04-04	2013-02-21	2013-02-21	2012-012-06	2013-06-28	2012-05-31	2012-04-10	2012-03-16
	Number of Days Pending	349	376	383	413	413	464	574	594	630	647

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CRCL	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
FEMA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2014-03-18
	Number of Days Pending	0	0	0	0	0	0	0	0	0	168
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
I&A	Date of Receipt	N/A	N/A	N/A	N/A	2014-09-03	2014-08-26	2014-08-26	2014-08-12	2014-08-12	2014-07-14
	Number of Days Pending	0	0	0	0	20	26	26	36	36	57
ICE	Date of Receipt	2013-06-24	2013-06-24	2013-06-24	2013-06-24	2013-04-10	2013-04-10	2013-04-10	2013-04-10	2013-02-14	2013-02-14
	Number of Days Pending	320	320	320	320	372	372	372	372	410	410
NPPD	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OIG	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2014-02-21
	Number of Days Pending	0	0	0	0	0	0	0	0	0	157
OPS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PRIV	Date of Receipt	N/A	N/A	N/A	N/A	N/A	2014-08-07	2014-07-24	2013-11-25	2013-08-06	2013-08-01
	Number of Days Pending	0	0	0	0	0	38	48	214	289	292
S&T	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
TSA	Date of Receipt	2014-06-16	2014-03-11	2014-02-25	2013-10-18	2013-08-20	2013-06-26	2012-08-06	2012-04-12	2010-10-28	2010-09-03
	Number of Days Pending	74	145	152	237	267	305	527	609	971	1,008
USCG	Date of Receipt	2014-04-29	2014-04-02	2014-03-31	2014-03-25	2014-01-05	2013-12-23	2013-11-07	2013-06-20	2011-05-05	2011-03-21
	Number of Days Pending	112	130	132	136	185	202	232	329	866	899
USCIS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2014-09-26	2013-10-31
	Number of Days Pending	0	0	0	0	0	0	0	0	3	237
USSS	Date of Receipt	2014-04-11	2014-03-25	2014-03-06	2014-02-03	2013-12-30	2013-12-12	2013-09-03	2013-04-03	2013-02-13	2012-12-14
	Number of Days Pending	123	136	149	172	197	209	277	384	419	458
AGENCY OVERALL	Date of Receipt	2013-02-14	2013-02-14	2013-02-13	2012-12-14	2012-08-06	2012-04-12	2011-05-05	2011-03-21	2010-10-28	2010-09-03
	Number of Days Pending	410	410	419	458	527	609	866	899	971	1,008

***Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:***

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.

The Components faced obstacles this year in closing the oldest requests and appeals from FY 2014, as noted below:

- TSA: the large volume of responsive records requiring analysis, and staff shortages.
- OIG: the loss of staff two years ago initially raised its backlog significantly. OIG hired an additional processor during FY 2015; however, the volume of requests received increased by 45 percent. More requests moved into litigation due to the increase in response times, which required OIG to devote its attention and resources to responding to litigation rather than processing requests.
- USSS: the large volume of complex records, which required evaluation and coordination among multiple offices.
- CBP: the large volume of requests and staffing levels.

- FEMA and NPPD: insufficient staffing levels due to staff turnover and vacancies.
- I&A: the loss of staff, and requests requiring multiple consultations and coordination with other federal agencies.
- S&T: a voluminous amount of records for one request requiring it to provide four submitter notices to private entities and consultations to three agencies.

21. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

I&A was unable to close two of its oldest requests because it was waiting to hear back on consultations it sent as noted below:

- Received a request on July 30, 2013, sent consultations to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the Drug Enforcement Administration on May 15, 2015, and last contacted these agencies on July 12, 2015.
- Received a request on April 8, 2014, sent a consultation to the FBI on September 18, 2014, and last contacted the agency on February 15, 2015.

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2016.

- The DHS Privacy Office responsible for the oversight of the Department’s FOIA program partnered with FEMA to eliminate the FEMA backlog in 2016.
- The DHS Privacy Office will continue to send monthly e-mails to the Component FOIA officers containing charts depicting DHS FOIA Backlog monthly statistics including a summary and analysis. The e-mails will include 10 Oldest Requests, FOIA Appeals, and Proactive Disclosure information, and suggested steps to improve production.
- TSA will continue to prioritize closure of the 10 oldest cases by meeting regularly with its program offices.
- I&A plans to conduct a comprehensive audit and assessment of its backlogged requests and establish completion date goals.
- OIG is exploring the use of veterans in the Department of Veterans Affairs training program to help reduce its backlog. Additionally, OIG will continue to hold quarterly case reviews with a focus on ways to close the 10 oldest requests more quickly.

### ***Interim Responses:***

23. Does your agency have a system in place to provide interim responses to requesters when appropriate?

Yes, DHS and the Components have systems in place to provide interim responses to requesters as appropriate.

- The DHS Privacy Office sends interim responses to requesters in accordance with its internal policy provided in the DHS Privacy Office FOIA Standard Operating Procedure: “It is this office’s policy that when working on a request that involves a voluminous amount of material or which involves searches in multiple locations, that whenever feasible, we should provide the requester with interim responses rather than waiting until all records are located and processed. Although there are situations where records need to be reviewed in their totality to ensure proper handling, in other cases rolling releases of records are possible. Whenever such rolling releases are possible we should make them to facilitate access to the requested records.”
- OIG, I&A, ICE, NPPD, USCG, and USSS send interim responses to requesters when the records are voluminous and complex, and keep the requesters updated with their progress in processing the requested records.

24. If your agency had a backlog in Fiscal Year 2015, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Several of the Components issued substantive interim responses for cases in the backlog:

- FEMA issued interim responses for 30 percent of the cases in the backlog.
- USCIS issued interim responses for 25 percent of the cases in the backlog for requests for records that did not pertain to Alien files.
- TSA issued interim responses for five percent of the cases in the backlog.
- NPPD issued interim responses for less than one percent of the cases in the backlog.
- USSS issued interim responses for three cases in the backlog.
- S&T issued interim responses for one case in the backlog.
- I&A and USCG issued interim responses for cases in the backlog, but did not track this information.
- OIG issued interim responses for the majority of cases in the backlog, but did not track this information.

### *Use of the FOIA's Law Enforcement Exclusions*

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015

No, DHS did not invoke a statutory exclusion.

2. If so, please provide the total number of times exclusions were invoked.

This is not applicable to DHS.



### III. Spotlight on Success

- The DHS Privacy Office partnered with the OCIO to create and release an eFOIA mobile application to simplify and enhance the submission process for FOIA requesters. Key features of the application allow users to: (1) submit a FOIA request to any DHS Component; (2) check the status of their requests; (3) access all of the content on the DHS FOIA website and library; and (4) view updates, changes to events such as stakeholder meetings/conference calls, and recently published documents.
- CBP closed 77,746 FOIA requests during FY 2015 while also receiving 52,990 requests in FY 2015. CBP reduced its backlog of requests from 34,307 at the end of FY 2014, to 9,280 at the end of FY 2015, a 73 percent reduction. CBP attributes its success to: (1) its negotiated agreements with the Office of Field Operations and the Office of Border Patrol to assist with the searching of the TECS and ENFORCE<sup>23</sup> databases, respectively; (2) the efforts of 12 individuals from headquarters offices detailed to FOIA for 90 days to review records, redact, and ensure searches were conducted properly; (3) the use of interns to triage requests, conduct searches, and assist with simple redactions; and (4) continuing the terms of the ongoing Service-Level Agreement with USCIS.
- ICE eliminated its FY 2014 backlog of 56,863 requests. ICE attributes its success to the implementation of a multi-million dollar contract and the following efforts: (1) trained over 40 contractors who in turn trained 45 contractors resulting in a surge workforce; (2) hired 12 full-time federal employees over the past two years; (3) detailed several employees from its program offices to FOIA; and (4) used individuals in the Operation Warfighter program and other volunteers to process requests.

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<sup>23</sup> For information regarding ENFORCE, see DHS/CBP/PIA-012 – CBP Portal (E3) to ENFORCE/IDENT (July 25, 2012), available at <http://www.dhs.gov/publication/cbp-portal-e3-enforceident>. E3 collects and transmits biographic, encounter, and biometric data including, but not limited to, fingerprints for identification and verification of individuals encountered at the border for CBP’s law enforcement and immigration mission.

## APPENDIX A: Composition of the Department of Homeland Security

The Office of the Secretary oversees Department of Homeland Security (DHS) efforts to counter terrorism and enhance security, secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws, safeguard and secure cyberspace, build resilience to disasters, and provide essential support for national and economic security - in coordination with federal, state, local, international, tribal, and private sector partners.

### Offices:

**Office of the Citizenship and Immigration Services Ombudsman (CISOMB)** assists individuals and employers with problems with United States Citizenship and Immigration Services to improve the delivery of immigration services.

**Office for Civil Rights and Civil Liberties (CRCL)** supports the Department as it secures the Nation while preserving individual liberty, fairness, and equality under the law.

**Domestic Nuclear Detection Office (DNDO)** works to enhance the nuclear detection efforts of federal, state, territorial, tribal, and local governments, and the private sector and to ensure a coordinated response to such threats.

**Office of the Executive Secretariat (ESEC)** assures the accurate and timely dissemination of information and written communications from throughout the Department and our homeland security partners to and from the Secretary and Deputy Secretary.

**Office of Intergovernmental Affairs (IGA)** promotes an integrated national approach to homeland security by ensuring, coordinating, and advancing federal interaction with state, local, tribal, and territorial governments.

**Military Advisor's Office** advises on facilitating, coordinating, and executing policy, procedures, preparedness activities, and operations between the Department and the Department of Defense.

**Office of the General Counsel (OGC)** integrates approximately 1700 lawyers from throughout the Department comprised of a headquarters office with subsidiary divisions and the legal programs for eight Department Components.

**Office of Health Affairs (OHA)** coordinates all medical activities of the Department of Homeland Security to ensure appropriate preparation for and response to incidents having medical significance.

**Office of Inspector General (OIG)** conducts independent and objective inspections, audits, and investigations to provide oversight and promote excellence, integrity, and accountability in DHS programs and operations.

**Office of Legislative Affairs (OLA)** serves as primary liaison to members of Congress and their staffs.

**Office of Public Affairs (OPA)** coordinates the public affairs activities of all of the Department's Components and offices.

**Office of Operations Coordination (OPS)** provides decision support and enables the execution of Homeland Security responsibilities across the enterprise; promotes situational awareness and information sharing; integrates and synchronizes strategic operations and planning; and administers the DHS continuity program.

**Office of Policy (PLCY)** develops Department-wide policies, programs, and planning to promote and ensure quality, consistency, and integration across all homeland security missions.

**Privacy Office (DHS Privacy Office or PRIV)** works to preserve and enhance privacy protections for all individuals and to promote transparency of Department operations.

**DHS Components and Directorates:**

**United States Customs and Border Protection (CBP)** is responsible for securing the border against all transnational threats and facilitating trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws.

**Federal Emergency Management Agency (FEMA)** supports our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

**Federal Law Enforcement Training Centers (FLETC)** mission is to "Train those who protect our homeland." FLETC serves as an interagency law enforcement training organization for 91 federal agencies or Partner Organizations. FLETC also provides training to state, local, rural, tribal, territorial, and international law enforcement agencies.

**Office of Intelligence and Analysis (I&A)** equips the Homeland Security Enterprise with the information and intelligence it needs to keep the United States safe, secure, and resilient.

**United States Immigration and Customs Enforcement (ICE)** promotes homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration.

**Management Directorate (MGMT)** provides Department-wide leadership and direction on the full spectrum of management issues. These efforts include integrating common operating standards; managing the Department's delegations and directives; leading investment and portfolio management; and administering six functional lines of business, which are financial management, human resources, facilities and logistics, information technology, security, and procurement.

**National Protection and Programs Directorate (NPPD)** leads the national effort to protect and enhance the resilience of the Nation's physical and cyber infrastructure.

**Science and Technology Directorate (S&T)** is the primary research and development arm of the Department. It provides federal, state, and local officials with the technology and capabilities to protect the homeland.

**Transportation Security Administration (TSA)** protects the nation's transportation systems to ensure secure freedom of movement for people and commerce.

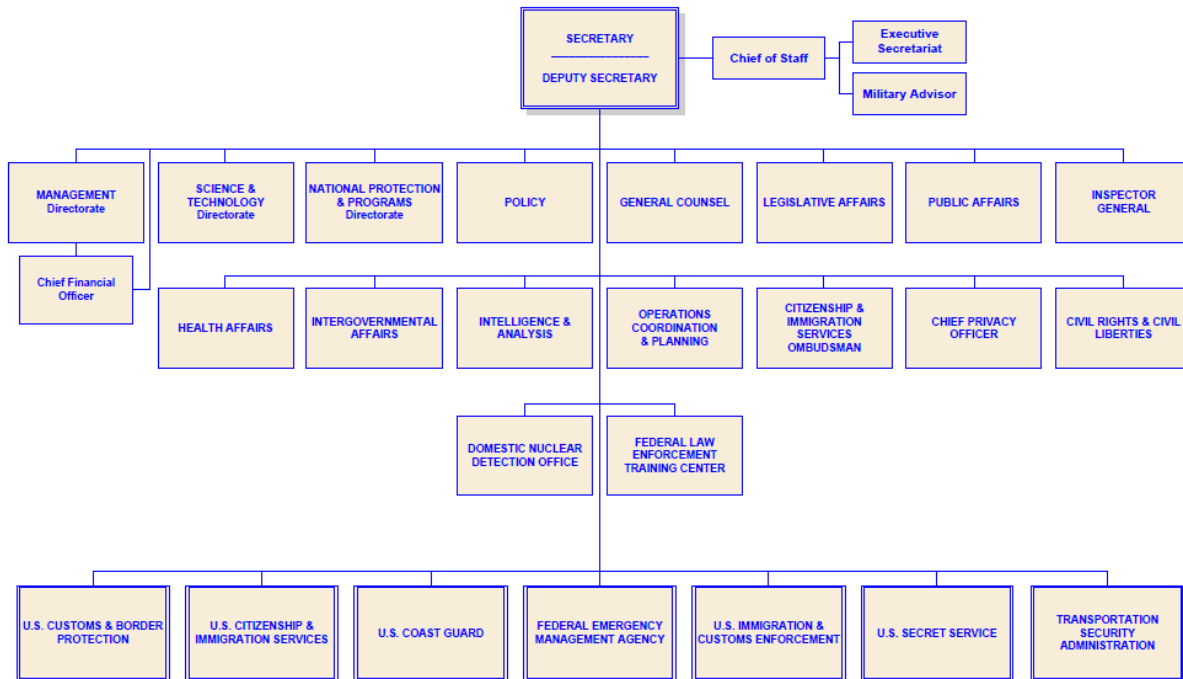
**United States Coast Guard (USCG)** is one of the five armed forces of the United States and the only military organization within the Department of Homeland Security. The Coast Guard protects the maritime economy and the environment, defends our maritime borders, and saves those in peril.

**United States Citizenship and Immigration Services (USCIS)** grants immigration and citizenship benefits, promotes awareness and understanding of citizenship, and ensures the integrity of our immigration system.

**United States Secret Service (USSS)** safeguards the nation's financial infrastructure and payment systems to preserve the integrity of the economy, and protects national leaders, visiting heads of state and government, designated sites, and National Special Security Events.

# APPENDIX B: DHS Organizational Chart

## U.S. DEPARTMENT OF HOMELAND SECURITY



## APPENDIX C: Names, Addresses, and Contact Information for DHS FOIA Officers

### Department of Homeland Security Chief FOIA Officer

Karen L. Neuman  
Chief FOIA Officer  
Privacy Office  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0655  
Washington, DC 20528-0655

Vacant  
Deputy Chief FOIA Officer  
Privacy Office  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0655  
Washington, DC 20528-0655

### Department of Homeland Security Component FOIA Officers

Privacy Office  
Shari Suzuki, Acting  
Senior Director, FOIA Operations  
Ph: 202-343-1743; Fax: 202-343-4011  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0655  
Washington, DC 20528-0655

Privacy Office  
Angela Washington  
Director, FOIA Production and Quality Assurance  
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245 Murray Lane, SW, Mail Stop 0655  
Washington, DC 20528-0655

Privacy Office  
Rose Bird  
Director, FOIA Improvement  
Ph: 202-343-1743; Fax: 202-343-4011  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0655  
Washington, DC 20528-0655

U.S. Coast Guard  
Gaston Brewer  
Ph: 202-475-3525; Fax: 202-475-3927  
Commandant (CG-611)  
2701 Martin Luther King Jr Ave, SE  
Stop 7710  
Washington, DC 20593-0001

U.S. Citizenship and Immigration Services  
Jill Eggleston  
Ph: 816-350-5521; Fax: 816-350-5785  
National Records Center, FOIA/PA Office  
P. O. Box 648010  
Lee's Summit, MO 64064-8010

U.S. Customs and Border Protection  
Sabrina Burroughs  
Ph: 202-325-0150; Fax: 202-325-0230  
FOIA Officer  
1300 Pennsylvania Avenue, NW  
Room 3.3D  
Washington, DC 20229

Office for Civil Rights and Civil Liberties  
Vacant  
Ph: 866-644-8360; Fax: 202-357-1196  
DHS-CRCL-FOIA  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Bldg. 410,  
Mail Stop 0190  
Washington, DC 20528-0190

Federal Emergency Management Agency  
Terry Cochran  
Ph: 202-646-3323; Fax: 202-646-3347  
Records Management Division  
500 C Street, SW, Mail Stop 3172  
Washington, DC 20472

Federal Law Enforcement Training Centers  
Vacant  
Ph: 912-261-4512; Fax: 912-267-3113  
Building No.681, Suite B187  
1131 Chapel Crossing Road  
Glynco, GA 31524

U.S. Immigration and Customs Enforcement  
Catrina Pavlik-Keenan  
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Office of Inspector General  
Stephanie Kuehn  
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245 Murray Lane, SW, Mail Stop 0305  
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Office of Intelligence and Analysis  
Brendan Henry  
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U.S. Department of Homeland Security  
Washington, DC 20528-0001

National Protection and Programs  
Directorate  
Gayle Worthy  
Ph: 703-235-2211; Fax: 703-235-2052  
U.S. Department of Homeland Security  
Washington, DC 20528-0380

Science and Technology Directorate  
Katrina Hagan  
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U.S. Department of Homeland Security  
Washington, DC 20528-0001

United States Secret Service  
Latita Payne  
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Freedom of Information Act and Privacy  
Act Branch  
245 Murray Lane, SW Building T-5  
Washington, DC 20223

Transportation Security Administration  
Regina McCoy  
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601 S. 12th Street  
11th Floor, East Tower, TSA-20  
Arlington, VA 20598-6020

# APPENDIX D: Acronyms, Definitions, and Exemptions

## 1. Agency-specific acronyms or other terms

AILA	American Immigration Lawyers Association
ASAP	American Society of Access Professionals
FBI	Federal Bureau of Investigation
CBP	United States Customs and Border Protection
CFO	Chief Financial Officer
CHCO	Office of the Chief Human Capital Officer
CISOMB	Office of the Citizenship and Immigration Services Ombudsman
COTS	Commercial off-the-shelf
CRCL	Office for Civil Rights and Civil Liberties
DHS	Department of Homeland Security
DNI	Director of National Intelligence
DNDO	Domestic Nuclear Detection Office
DOJ	Department of Justice
ESEC	Office of the Executive Secretary
FEMA	Federal Emergency Management Agency
FLETC	Federal Law Enforcement Training Centers
FOIA	Freedom of Information Act
FY	Fiscal Year
I&A	Office of Intelligence and Analysis
IC	Intelligence Community
ICE	United States Immigration and Customs Enforcement
IGA	Office of Intergovernmental Affairs
MGMT	Management Directorate
NPPD	National Protection and Programs Directorate
OBIM	Office of Biometric Identity Management
OCIO	Office of the Chief Information Officer
OGC	Office of the General Counsel
OGIS	Office of Government Information Services
OHA	Office of Health Affairs
OIG	Office of Inspector General
OIP	DOJ Office of Information Policy
OLA	Office of Legislative Affairs
OPA	Office of Public Affairs
OPS	Office of Operations Coordination
PLCY	Office of Policy
PRIV	Privacy Office
S&T	Science and Technology Directorate
TSA	Transportation Security Administration
USCG	United States Coast Guard
USCIS	United States Citizenship and Immigration Services
USSS	United States Secret Service



## 2. Definition of terms, expressed in common terminology

- a. **Administrative Appeal** – A request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8, determined by dividing 24 by 3.
- c. **Backlog** – The number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – For agencies that process requests on a decentralized basis, a “Component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in Annual FOIA Report data for both the agency overall and for each principal Component of the agency.
- e. **Consultation** – The procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it provides its views on the record to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – A federal statute other than FOIA that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – A FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), an organization, or a particular topic of interest. Moreover, because requesters covered by the Privacy Act who seek records concerning themselves (i.e., “first-party” requesters) are afforded the benefit of the access provisions of both FOIA and the Privacy Act, the term “FOIA request” also includes any such “first-party” requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where the agency applies a Privacy Act exemption and therefore looks to FOIA to afford the greatest possible access. DHS applies this same interpretation of the term “FOIA request” even to “first-party” requests from persons not covered by the Privacy Act, e.g., non-U.S. citizens, because DHS by policy provides such persons the ability to access their own records in DHS’s Privacy Act “mixed systems of records” as if they are subject to the Privacy Act’s access provisions, and DHS processes the requests under FOIA as well. Thus, all

requests that require DHS to utilize FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of the Annual FOIA Report.)

- h. **Full Grant** – An agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – An agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** – A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
  - i. **Expedited Processing** – An agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
  - ii. **Simple Request** – A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
  - iii. **Complex Request** – A FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – An agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – A request or administrative appeal for which an agency has not taken final action in all respects.

- n. **Perfected Request** – A request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – A request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – The lowest and highest number of days to process requests or administrative appeals
- q. **Time Limits** – The time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a perfected FOIA request).

### 3. Concise descriptions of FOIA exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information
- b. **Exemption 2:** internal agency rules and practices (personnel)
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
- d. **Exemption 4:** trade secrets and other confidential business information
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges.
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 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 procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells