

# Chief FOIA Officer Report

High-volume receiving more than 50 requests in FY19



# Message from the Director



The Consumer Financial Protection Bureau (Bureau) was established on July 21, 2010 under Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act Public Law No. 111-203 (Dodd-Frank Act). Our mission is to help consumer finance markets work by regularly identifying and addressing outdated, unnecessary, or unduly burdensome regulations, by making rules more effective, by consistently enforcing federal consumer financial law, and by empowering consumers to take more control over their economic lives through economic initiatives.

It is the Bureau's pleasure to submit our eighth annual report and highlight our accomplishments over the past year. Fiscal Year 2019 was a year of rebuilding for the FOIA team with a focus on acquiring, integrating, and retaining experienced staff while continuously improving FOIA processes. Several strategies were initiated to restructure the FOIA team, focusing primarily on staff optimization through internal training and mentorship. In addition, there was a focus on reducing the backlog and increasing monthly closure rates. Those efforts included leveraging proactive, collaborative approaches, increasing and improving interactions with requesters and internal stakeholders, and strengthening processes and workflows. As a result, by the second half of Fiscal Year 2019, the FOIA team achieved a 30% increase in the average number of requests closed each month.

The FOIA team anticipates this positive trend to continue with team maturation and an increase in FOIA expertise.

Inquiries about this report may be directed to the Bureau's FOIA team at (855) 444-FOIA (3642) or [FOIA@consumerfinance.gov](mailto:FOIA@consumerfinance.gov).

Sincerely,

A handwritten signature in blue ink that reads "Kathleen L. Kraninger". The signature is fluid and cursive.

Kathleen L. Kraninger

# Table of Contents

<b>Message from the Director</b> .....	<b>1</b>
<b>Table of Contents</b> .....	<b>2</b>
<b>1. Steps taken to apply the presumption of openness</b> .....	<b>3</b>
1.1 FOIA leadership .....	3
1.2 FOIA training.....	3
1.3 Outreach.....	5
1.4 Other initiatives .....	5
<b>2. Steps taken to ensure that your agency has an effective system in place for responding to requests</b> .....	<b>6</b>
<b>3. Steps taken to increase proactive disclosures</b> .....	<b>8</b>
<b>4. Steps taken to greater utilize technology</b> .....	<b>10</b>
<b>5. Steps taken to improve timeliness in responding to requests and reducing backlogs</b> .....	<b>12</b>
5.1 Simple track .....	12
5.2 Backlogs .....	13
5.3 Backlog reduction plans .....	14
5.4 Status of oldest requests, appeals, and consultations .....	16
5.5 Additional information on ten oldest requests, appeals, and consultations & plans .....	17
5.6 Success stories .....	18

# 1. Steps taken to apply the presumption of openness

A key mission of the Bureau is to make the financial products and services that consumers use more transparent. Transparency is at the core of the Bureau agenda and an essential part of how the Bureau operates. The public deserves to know what the Bureau is doing and how it is doing it. Therefore, the Bureau commitment to openness starts with creating a high level of awareness of FOIA among employees as well as focusing on effective communication with the public.

## 1.1 FOIA leadership

1. *The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above this level?*

Yes.

2. *Please provide the name and title of your agency's Chief FOIA Officer.*

Kate Fulton, Chief Operating Officer

## 1.2 FOIA training

3. *Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?*

Yes.

4. *If yes, please provide a brief description of the type of training attended or conducted and the topics covered.*

FOIA professionals attended several different Department of Justice trainings including:

- DOJ Continuing FOIA Education – April 24, 2019
- DOJ Advanced FOIA Seminar – May 14, 2019

- DOJ FOIA for Attorneys and Access Professionals – June 11 and June 12, 2019
- FOIA Litigation Seminar (DOJ OIP) – June 25, 2019
- DOJ FOIA Processing From Start to Finish Checklist – May 2019
- DOJ All FOIA Exemptions Overview – June 2019
- DOJ Exemption 4, 5, 6 & 7 – June 2019
- DOJ OIP Guidance on "Still Interested Inquiries" – July 2019

FOIAXpress presented a tailored course to all FOIA staff on July 29 and July 30, 2019 covering how to navigate cradle to grave processing in the system.

To provide a foundation for newer analysts and to serve as a refresher for more experienced analysts, the FOIA team initiated an internal ongoing training series, which covered the following topics:

- Processing FOIA Requests from Start to Finish – April 16, 2019
- Overview of FOIA Procedural Requirements – April 23, 30 and May 28, 2019
- Request for Documents (RFD) Protocol, Aggregating Requests, Appeal Format – May 16, 2019
- Legal Technology Support Team (LTST) RFD Workshop – May 21, 2019
- Referrals, Consultations, and Coordination – May 28, 2019
- FOIA Processing Strategies – July 9, 2019
- FOIA Procedural Requirements – May 2019
- FOIA Processing Strategies – May 2019
- FOIA Express Cradle to Grave – August 2019
- FOIA Case Closing in FOIA Express – August 2019
- Find and Redact with Exemption b6 Workshop – August 2019
- FOIA and Privacy Interface Training – September 2019
- Clearwell E-Discovery Process Training Bureau – September 2019
- FOIA/Privacy Interface
- Case Processing Strategies Revisited

A FOIA professional also attended the American Society of Access Professionals Annual National Training Conference.

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.*

100%

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.*

N/A

## 1.3 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? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.*

Yes. The FOIA team has continued to promptly reach out to requesters to resolve any questions about requests before searches are initiated, encouraging requesters to contact the FOIA team if they have questions.

## 1.4 Other initiatives

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

The FOIA team provides a FOIA briefing at each new employee orientation and offers training to Bureau program offices and its FOIA liaisons. The FOIA team compiles and circulates a Weekly Update to the Director, senior management, and Division FOIA liaisons. This report includes a series of charts and metrics as well as a table of ongoing FOIA releases to highlight stakeholder contributions to FOIA releases.

- 9. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.*

The FOIA team has virtual training available to Bureau employees in the Treasury Learning Management System. The FOIA team hosts a reoccurring meeting with representatives from all Bureaus to facilitate the processing of requests.

## 2. Steps taken to ensure that your agency has an effective system in place for responding to requests

The Bureau fosters collaboration and encourages feedback related to its FOIA operations. The FOIA team routinely partners with colleagues from all Divisions throughout the Bureau to continually evaluate the efficiency and effectiveness of the FOIA program. This approach enables the FOIA team to continually improve and streamline the FOIA process.

1. *For Fiscal Year 2019, what was the average number of days your agency reported for adjudicating requests for expedited processing? (Section VIII.A. of your agency's Fiscal Year 2019 Annual FOIA Report.)*

The average number of days to adjudicate requests for expedited processing was 17 calendar days.

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 results of an internal tracking system audit revealed the FOIA team needs to better track expedited processing. To improve expedited response times going forward, the FOIA team will provide staff training (expedited processing intake oversight), more clearly define administrative procedures, and improve the documentation in the FOIA tracking system.

3. *During the reporting period, did your agency conduct a self-assessment of its FOIA program?*

The FOIA team routinely assesses program performance by reviewing its metrics on a weekly basis through the development of the Weekly Update, which provides metrics on the status of the program. The FOIA team used the results of a previous assessment to implement improvements. The FOIA team updated all its response letter templates to ensure greater consistency and increase credibility with the requester community. The

FOIA team leveraged multi-track processing, distinguished between simple and complex requests to better inform prioritization efforts, and analyzed workflows to remove redundancy and identify opportunities to further streamline processes.

- 4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2019 (please provide a total number or an estimate of the number).*

During Fiscal Year 2019, the FOIA Public Liaison responded to approximately 300 inquiries.

- 5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.*

The FOIA team has a weekly team meeting to collaborate on the processing of requests. To improve the search process, the FOIA team initiates and tracks searches through a centralized tool which all analysts can access. The FOIA team circulates a Weekly Update to senior leaders that identifies past-due search requests and provides metrics on the program performance. The FOIA team uses these metrics to track, prioritize, assign, and redistribute backlog requests as needed to optimize processing output. Detailed weekly staff progress reports, work planning meetings, and one-on-one partnerships have also been established. The new one-on-one partnership structure provides an additional layer of senior review to improve quality, which in turn mitigates the risk of litigations and appeals. Minimizing the risk of litigations and appeals, provides more time to focus on processing backlog requests.

# 3. Steps taken to increase proactive disclosures

The Bureau strives to lead by example by being transparent with respect to its own activities. The Bureau utilizes its website as the primary vehicle to share information on the operations and work of the Bureau. These initiatives include posting leadership calendars; budget updates; general reports; guidance updates; FOIA request logs; and much more.

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

## **Consumer complaint narratives**

With consumer's consent, the Bureau publishes de-identified narratives about their experiences with consumer products such as mortgages, bank accounts and services, credit cards, debt collection, credit reporting, and more. These consumer narratives provide a firsthand account of the consumer's experience and provide context to the associated complaints.

[https://www.consumerfinance.gov/data-research/consumer-complaints/search/?from=0&searchField=all&searchText=&size=25&sort=created\\_date\\_desc](https://www.consumerfinance.gov/data-research/consumer-complaints/search/?from=0&searchField=all&searchText=&size=25&sort=created_date_desc)

## **Leadership calendars**

The Bureau is committed to keeping the public informed about the daily work of senior leadership, including Director Kathleen Kraninger and Deputy Director Brian Johnson, by sharing their calendars. Given the level of public interest in the Director's and Deputy Director's calendars, this proactive disclosure reduces the number of potential incoming requests for this information. The calendars of past leaders, including: Richard Cordray, Elizabeth Warren, Raj Date, Steven Antonakes, and Mick Mulvane are archived on the website for the public to view as well.

<https://www.consumerfinance.gov/about-us/the-bureau/leadership-calendar/>

## **FOIA logs**

The FOIA team continues to publish FOIA logs to its electronic reading room to assist the public with making requests and disclose the various types of requests which have been submitted.

<https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/cfpb-foia-log-fy2019/>

2. *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?*

Yes.

3. *If yes, please provide examples of such improvements.*

The FOIA team posts frequently-requested records to the website and continues to ensure that all records in the electronic reading room contain FOIA metadata. Specifically, the FOIA team ensures that before records are released there is a uniform FOIA tag which includes reference to Bureau, and a title, date, and description of the documents at issue. Also, the FOIA team continues to add hyperlinks to the FOIA logs in the electronic reading room so that these frequently requested records can be viewed without having to search.

4. *Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.*

The FOIA team collaborates with program offices to identify information that can be proactively released. Additionally, the FOIA staff has received targeted training on the provisions requiring proactive disclosure. In addition to large collections of personally identifiable information, the Bureau's regulatory activities mean that most records of interest to the public will require the use of a FOIA exemption. Identifying creative ways to alleviate the administrative burden of posting sensitive information in an accessible format can be a challenge.

# 4. Steps taken to greater utilize technology

The Bureau is committed to transparency and believes that the use of innovative technology is fundamental to achieving the Bureau mission of protecting consumers and appropriately disclosing information through the FOIA team. The Bureau has proactively employed technology in the overall management of the FOIA process and this technology has assisted the FOIA team with conducting searches for responsive records and reviewing responsive records for release in an electronic format.

1. *Is your agency leveraging or exploring any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.*

Yes. The Bureau has a dedicated e-discovery team, named LTST, within the Office of Technology & Innovation that uses Veritas (formerly Clearwell) and Relativity platforms. NS conducts searches of email and other electronically-stored records on behalf of the FOIA team. The FOIA team has an embedded LTST expert to assist the FOIA team with its use of this technology.

In Fiscal Year 2019, the FOIA team collaborated closely with LTST to design protocols for the use of dedicated LTST staff by the FOIA team. In the second quarter of Fiscal Year 2020, the LTST team will be training FOIA staff to use software upgrades to the EDR FOIAXpress tool that leverages the latest technology to search, sort, and identify responsive content in large volumes of documents. These software upgrades are designed to improve and expedite both processing and review.

2. *OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?*

Yes.

3. *Did your agency successfully post all four quarterly reports for Fiscal Year 2019?*

Yes: <https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/cfpb-foia-quarterly-reports/>.

4. *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 2020.*

N/A

5. *The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.*

**2018:** <https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/cfpb-annual-foia-report-fy2018/>.

**2019:** The FOIA team is currently in the process of posting the 2019 report.

6. *Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.*

The FOIA team was recently moved into the newly established Office of the Chief Data Officer (OCDO) to integrate the Bureau's information management programs, including the Records team, Paperwork Reduction Act team, Privacy team, and Data Governance and Policy teams. One of the goals of the OCDO is prioritizing the use of automation to improve processes and workflow management across its teams.

# 5. Steps taken to improve timeliness in responding to requests and reducing backlogs

## 5.1 Simple track

The Bureau understands the importance of responding to requests within the timelines outlined in the FOIA statute. Additionally, the Bureau strives to respond to appeals within the same amount of time (20 working days) to provide requesters with a determination in a timely manner.

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

Yes.

2. *If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2019?*

Yes. The average number of days to process simple requests was 58.9 business days.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2019 that were placed in your simple track.*

The percentage of requests in the simple track was 75%.

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

N/A

## 5.2 Backlogs

### 5.2.1 Backlogged requests

5. *If your agency had a backlog of requests at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?*

No. The Bureau had a backlog of 114 requests in Fiscal Year 2018 and 179 requests in Fiscal Year 2019.

6. *If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?*

No. The Bureau processed 642 requests in Fiscal Year 2018 and 435 requests in Fiscal Year 2019.

7. *If your agency's request backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors: An increase in the number of incoming appeals. Loss of staff. An increase in the complexity of requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase. Any other reason – please briefly describe or provide examples when possible.*

The backlog increase was due to an increased complexity of requests and major staff turnover. In addition to extensive media coverage of the Bureau's leadership transition, the FOIA team also experienced a change in leadership. Complex requests require more time and senior-level expertise to process, as well as greater coordination with stakeholders. Most notably, complex requests covered both the Bureau's leadership transition and regulatory activity.

While the FOIA team onboarded additional staff throughout Fiscal Year 2019, the onboarding time had an impact on how quickly staff were able to have a noticeable impact. New staff needed to be trained, learn new processes and procedures, and establish relationships with Bureau stakeholders. For example, new staff needed to conduct research prior to working a request in order to get up to speed, particularly on a backlog request. The additional staff that were onboarded in Fiscal Year 2019 were brought on to reduce the backlog. However, with an increase in litigations and the need

to shift the attention of experienced staff to more complex requests, there were fewer staff dedicated exclusively to the backlog.

8. *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 2019. If your agency has no request backlog, please answer with "N/A."*

The FOIA team had a backlog of 179 requests in Fiscal Year 2019 and a total of 484 requests received in Fiscal Year 2019. The backlog was 36.9% of the FOIA requests received.

## 5.2.2 Backlogged appeals

9. *If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?*

N/A

10. *If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal Year 2018?*

N/A

11. *If your agency's appeal backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:*

N/A

12. *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 2019. If your agency did not receive any appeals in Fiscal Year 2019 and/or has no appeal backlog, please answer with "N/A."*

N/A

## 5.3 Backlog reduction plans

13. *In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of*

*over 1000 requests in Fiscal Year 2018 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 2019?*

In Fiscal Year 2019, the FOIA team implemented several strategies to achieve backlog reduction, including leveraging proactive approaches to interacting with requesters; onboarding additional staff; and focusing on staff optimization. Cooperative interactions with frequent requesters contributed to more efficient request processing. Negotiating broad requests, which may not have clearly defined parameters or may produce extremely voluminous search results (thousands of pages), has also contributed to a reduction in the backlog. These negotiations have resulted in more focused requests and therefore a reduction in the volume of the search results, significantly reducing the amount of time needed to review and close these requests. The FOIA team has continued to focus on training and mentoring to improve the knowledge and expertise of existing staff and establish procedural norms. The FOIA Manager continues to monitor staff performance and individual capabilities. The FOIA team uses these metrics to track, prioritize, assign, and redistribute backlog requests as needed to optimize processing output.

*14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2019, what is your agency's plan to reduce this backlog during Fiscal Year 2020?*

The FOIA team does not have a backlog of more than 1,000 requests. For Fiscal Year 2020, the FOIA team is deploying several additional strategies related to workflow analysis, leveraging technology, and communications to continue to reduce the backlog. While the FOIA team will continue to leverage multi-track processing, distinguishing between simple and complex requests to better inform prioritization efforts, it will also be analyzing workflows (for example, how relevant search terms are constructed and deployed), in order to remove redundancy and identify opportunities to further streamline processes. Additionally, the FOIA teams plans to leverage the FOIA Reading Room for more proactive postings. In Fiscal Year 2020, the LTST team will be training FOIA staff to use software upgrades to the FOIAXpress tool that leverages the latest technology to search, sort, and identify responsive content in large volumes of documents to improve and expedite both processing and review. Lastly, the FOIA team is reevaluating its current metrics and exploring the use of Tableau to better communicate and share information with leadership and Bureau stakeholders and improve the RFD process.

## 5.4 Status of oldest requests, appeals, and consultations

### Ten oldest requests

15. *In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 Annual FOIA Report?*

No, not all ten oldest were closed, but six were closed.

16. *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 2018 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.*

Six requests were closed.

17. *Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.*

The FOIA teams made it a priority to focus on closing Fiscal Year 2018 requests and specifically those it identified as being at high risk for litigation.

### Ten oldest appeals

18. *In Fiscal Year 2019, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2018 Annual FOIA Report?*

Yes, both pending appeals were closed.

19. *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 2017 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.*

N/A

20. *Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.*

The FOIA team began to assign appeals to the Legal Division on the day they are received with a complete administrative record to enable timely processing.

## Ten oldest consultations

21. *In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2018 Annual FOIA Report?*

No consultations were reported pending in Fiscal Year 2019.

22. *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 2018 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.*

N/A

## 5.5 Additional information on ten oldest requests, appeals, and consultations & plans

23. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.*

The FOIA team hired several new analysts in Fiscal Year 2019, which increased the number of staff but came at a cost due to the time and resources that were required to be dedicated to onboarding throughout Fiscal Year 2019. Additionally, several of the newly hired analysts were new to FOIA and the FOIA team invested a significant amount of time and resources to recurring internal FOIA training and training on Bureau FOIA team processes and procedures. Further, from Fiscal Year 2017 to Fiscal Year 2019 the number of FOIA litigations increased by 1,000 percent at Bureau. As a result, in Fiscal Year 2019, the FOIA team dedicated a large amount of resources toward the processing of FOIA litigations, which took away from processing the backlog and the ten oldest requests. Lastly, the complexity of the requests received by the FOIA team increased in Fiscal Year 2019. The complex requests (which are often broad in scope and present unique challenges related to search requirements and review) require additional time and staff expertise to process, as well as coordination with internal and external stakeholders.

24. *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.*

N/A

25. *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 2020.*

The FOIA team’s plans to close the ten oldest requests through staff optimization and leveraging technology to expedite the review process. The FOIA team has onboarded new staff to focus on the backlog and provides staff with a running list of the ten oldest cases to ensure focus in this area. In addition, the FOIA team is looking to new technology to expedite the review process of voluminous search results, which is a challenge in several of the ten oldest cases.

## 5.6 Success stories

*Out of all the activities undertaken by your agency since March 2019 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.*

- In Fiscal Year 2018, the FOIA team experienced an unprecedented backlog increase. Fiscal Year 2019 was a year of rebuilding for the FOIA team with a focus on acquiring, integrating, and retaining experienced staff while continuously improving processes.
- Bureau leadership provided unprecedented support. In addition to increased stakeholder awareness and compliance, leadership support significantly contributed to an increase in productivity, described below.
  - Highlighting Compliance:
    - The Director circulated Bureau-wide communication highlighting the importance of FOIA compliance.

- Improving RFD Response Times:
    - Leading by example, the Director’s Office ensured timely response to outstanding requests for records and closely monitors RFD response times.
  - Expedited Equity Review:
    - Leadership initiated working groups comprised of relevant stakeholders which has expedited equity review.
  - Resource Allocation:
    - The FOIA team received resource allocations during a hiring freeze to make sure FOIA remained prioritized.
- Several strategies were initiated throughout Fiscal Year 2019 to rebuild the team and reduce the backlog.
  - Staff Optimization:
    - The FOIA team focused on training and mentoring to improve the knowledge and expertise of existing staff and establish procedural norms.
    - The FOIA Manager monitored staff performance and individual capabilities. The FOIA Manager used metrics developed from monitoring to track, prioritize, assign, and redistribute backlog requests as needed to optimize processing output.
    - Detailed weekly staff progress reports, work planning meetings, an internal training program, and one-on-one partnerships were established.
  - Multi-track Processing:
    - The FOIA team prioritized and focused on identifying and processing simple requests to close.
  - Requester Negotiations:
    - Cooperative interactions with requesters contributed to more efficient request processing. This included negotiating broad requests, which did not have clearly defined parameters or produced extremely voluminous search results (thousands of pages).

- These negotiations resulted in more focused requests with a reduced volume of the search results, significantly reducing the amount of time needed to review and close these requests.
- By the second half of Fiscal Year 2019, there was a 30 percent increase in the average number of requests closed each month. The backlog reduced from 237 requests in May 2019 to 179 requests at the end of the Fiscal Year. The FOIA team anticipates this positive trend to continue in Fiscal Year 2020 with team maturation and an increase in FOIA expertise.