

CONSUMER FINANCIAL PROTECTION BUREAU | MARCH 2024

# Chief FOIA Officer Report

High-volume receiving more than 50 requests in Fiscal Year 2023

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# Section I: FOIA Leadership and Applying the Presumption of Openness

*The guiding principle underlying the Attorney General's 2022 FOIA Guidelines is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.*

## A. Leadership Support for FOIA

1. *The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level?*

Yes

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

Adam Martinez, Chief Operating Officer

3. *What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?*

The CFPB has incorporated transparency, the cornerstone of FOIA, into its 2022-2026 strategic plan. Additionally, the CFPB established FOIA Points of Contact (POCs), Subject Matter Experts (SMEs) in CFPB's Divisions and Offices who are routinely responsible for conducting searches and providing subject matter expertise to the FOIA Program. This system has improved the efficacy with which the CFPB processes FOIA requests.

## B. Presumption of Openness

4. *The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?*

Yes. The CFPB considers the foreseeable harm standard when reviewing records and applying FOIA exemptions, and provides requesters with the following foreseeable harm language in each applicable final response letter: “As amended in 2016, the Freedom of Information Act provides that a federal agency or department (hereinafter "agency") may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates; or (2) disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A)(i). The CFPB has considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.”

5. *In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a Glomar response. If your agency tracks Glomar responses, please provide:*

*the number of times your agency issued a full or partial Glomar response (separate full and partial if possible):*

Full Glomar Response	2
Partial Glomar Response	5

*the number of times a Glomar response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times):*

Exemption 5	1
Exemption 7(A)	2
Exemption 7(E)	4
Exemption 8	1

6. *If your agency does not track the use of Glomar responses, are you planning to track this information in the future?*

N/A

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

On a monthly basis, the FOIA team coordinates proactive disclosures, primarily the calendars of the CFPB’s Director and Deputy Director. In 2023, the FOIA team streamlined the process of posting of the calendars. The proactively disclosed calendars have helped to address CFPB leadership calendar related requests.

# Section II: Ensuring Fair and Effective FOIA Administration

The Attorney General's 2022 FOIA Guidelines provide that "[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce." The Guidelines reinforce longstanding guidance to "work with FOIA requesters in a spirit of cooperation." The Attorney General also "urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency's FOIA administration" as part of ensuring fair and effective FOIA administration.

## A. FOIA Training

1. *The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.*

To ensure proper FOIA training is made available and used when needed by agency personnel, the CFPB's FOIA team offers ongoing tailored training to CFPB Divisions and Offices during Division and Office routine team meetings. The training has increased understanding and awareness of FOIA and allows for a Q&A session tailored to the specific needs of Division and Office staff. This past year, the FOIA team provided FOIA training for senior leadership, new incoming executives, FOIA POCs, and SMEs.

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

Yes

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

**Attended:**

- FOIA Privacy Workshop – ASAP
- Annual Conference - ASAP
- FOIAXpress Upgrade / Collaboration Portal Training - Opexus
- Exemptions 1 & 7
- Exemptions 4 & 5
- Continuing FOIA Education

- Advanced FOIA
- FOIA Fees
- FOIA Training / Conference - Opexus
- Negotiation Training - OGIS
- Privacy Considerations
- eDiscovery Challenges with Workplace Collaboration Tools - FEDWG
- Microsoft 365 eDiscovery Working Group - A Q&A with Microsoft - FEDWG
- Stand-Alone Webinar Series: The Role of Agencies in Litigation
- Broadening Public Participation and Community Engagement in the Federal Government – FEDWG
- FOIA Automation – Digital Government
- Women in Data Federal Government Chapter: Demystifying Data and AI Trends – WomenInData.org
- Broadening Public Participation in the Regulatory Process - OMB
- Modernizing Information and Data Governance – Digital Government
- MITRE FOIA Assistant Tool
- Virtual Best Practices Workshop – OIP
- Annual/Quarterly FOIA Report Training – OIP
- Thriving in a Hybrid Environment – OPM
- Relativity 101

**Conducted by FOIA team members; attended by FOIA team staff:**

- Conducting a search within Relativity

**Conducted by FOIA team member; attended by CFPB FOIA POCs, Key FOIA Stakeholders and FOIA team staff**

- FOIA training for senior leadership
- FOIA training for internal stakeholders
- Exemption 5
- Documenting a defensible search
- Proactive disclosure for the Director’s Front Office

**Conducted by FOIA team member; attended by outside**

- The Acting FOIA Manager, in his capacity as the Chair of the Chief FOIA Officer Council (CFOC) Technology Committee's Data Working Group, led the Data Working Group's presentation to the FOIA Advisory Committee's Resources Subcommittee on the pros and cons of two approaches to improve and centralize proactive disclosure.
- FOIA for CFPB Advisory Committees
- The Acting FOIA Manager served as a panelist for a Department of Education Sunshine Week Event - "Inter-Agency Perspectives on FOIA: An Unredacted Version
- The Acting FOIA Manager and the FOIA Public Liaison advised the Chief FOIA Officer Technology Committee's Best Practices sub-committee on the FOIA team's review and release of Excel sheets.

4. *Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.*

100%

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

N/A

6. *Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations and expectations during the FOIA process?*

The FOIA Manager has briefed senior staff including the CFPB’s Director, Deputy Director, Chief of Staff, Chief Operating Officer/Chief FOIA Officer, Deputy Chief Operating Officer, CFPB’s General Counsel, among others. The FOIA Manager meets with the Chief FOIA Officer’s Front Office staff on a weekly basis and with the Director’s Front Office, Legal Division and Office of Legislative Affairs staff on a biweekly basis to keep them abreast of FOIA operations and the status of open FOIA requests. When necessary, the meetings are used to discuss FOIA resources, obligations, and expectations during the FOIA process.

## B. Outreach

7. *As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue and, if applicable, any specific examples*

CFPB FOIA analysts regularly engage in requester outreach. Generally, this reduces appeals, litigation, and Office of Government Information Services (OGIS) mediation. Requesters in the “Commercial Fee Category,” often representing financial institutions, frequently request all documents related to a specific financial institution investigation(s). Prior to sending any large processing fee estimate for search and review of these Investigation(s), FOIA staff make a reasonable effort to narrow the scope of these

commercial requests. Previously released Enforcement investigations, which were of public interest, are used as an example of releasable information in investigative related requests. In addition, CFPB's Office of Enforcement proactively posts court documents and other related material for enforcement actions against entities or persons that are believed to violate the law, which are also provided to these commercial requesters.

8. *Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? 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.*

When a request is assigned for processing, FOIA staff receive guidance on requester outreach specific to the request. If the request is deemed not reasonably scoped, FOIA staff and/or the FOIA Public Liaison reaches out to the requester to clarify or narrow the request. FOIA staff also works with FOIA POCs and the eDiscovery team to identify material the requester is most likely interested in and uses this information to help the requester decide on how to best narrow the request. This has been effective in reducing voluminous search results.

9. *The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2023 (please provide a total number or an estimate of the number for the agency overall).*

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## C. Other Initiatives

10. *Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.*

The FOIA team conducted an evaluation of the personnel resources needed to keep up with the continued increase in new incoming requests over the last 3 years, the request backlog, and ongoing litigation while it continues to implement greater quality control.



This evaluation was used to inform CFPB leadership on how to best allocate agency resources to address current and anticipated FOIA needs.

*11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.*

The FOIA team produces both weekly and quarterly reports for its internal stakeholders using metrics from the case management software and Tableau to ensure efficient management of the FOIA workload. These reports include metrics on the backlog, pending requests, received requests, closed requests, outstanding searches for documents and SME document reviews. The weekly report also tracks all new incoming and pending requests, as well as the status of the fiscal year's 10 oldest requests. The quarterly report also tracks the number of searches and SME document reviews each office has completed. Data regarding both outstanding and completed searches and SME document review is exported from the FOIA case management system into Tableau and reports are run from Tableau. The FOIA team uses its FOIA case management system to run ad-hoc reports on staff closure rates and the types of requests the staff is closing. These are used to track the workload of both individual FOIA staff and the team in administering the FOIA. The FOIA team analyzes staff productivity to set fiscal year goals for monthly case closures and team goals for simple and complex request closures and backlog reduction. FOIA team leadership uses received requests metrics and staff production metrics to extrapolate the number of staff needed to keep up with anticipated incoming requests. The FOIA case management system also tracks all requests that are assigned to FOIA staff including all records associated with each request housed in the system. The intake team, led by the FOIA Public Liaison, reviews these to determine assignment of incoming cases and what assignment directions to provide to FOIA staff. FOIA staff use the FOIA case management system for all casework, and to compare and analyze current requests in light of other similar or potentially overlapping requests.

*Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.*

The CFPB appointed an internal third party to solicit feedback from internal stakeholders on the CFPB's FOIA Program. The feedback was compiled and used to determine the best ways to refine the program, including increased training, improved communication with FOIA POCs and SMEs, a standing weekly meeting with key CFPB stakeholders, and, if possible increasing staffing.

# Section III: Proactive Disclosures

*The Attorney General's 2022 FOIA Guidelines emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."*

1. *Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.*

The CFPB utilizes a specific review tag within FOIAXpress to identify and track proactive disclosures of CFPB material that could be of public interest.

2. *How long after identifying a record for proactive disclosure does it take your agency to post it?*

We post on a quarterly basis.

3. *Does your agency post logs of its FOIA requests?*

Yes

*If so, what information is contained in the logs?*

Request ID, Received Date, Requester Name, Organization, Request Description, Closed Date, Final Disposition, Exemption Cited.

*Are they posted in CSV format?*

No

*If not, what format are they posted in?*

Machine Readable PDF

4. *Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.*

[CFPB FOIA Logs FY2023](#)

[CFPB Annual FOIA Report FY2022](#)

[CFPB Chief FOIA Officer Report](#)

[CFPB Director's and Deputy Director's Monthly Leadership Calendars](#)

5. *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

6. *If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.*

The CFPB FOIA team hyperlinks frequently requested records within the proactively posted FOIA Log on a quarterly basis to improve public transparency.

7. *Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.*

Yes, the FOIA team collaborates with the CFPB's Communications team, Content Ops team, Operations Front Office, and certain SMEs to review and post the materials to our public website.

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

The FOIA team trained the Director's Front Office to prepare, review, redact, ensure 508 compliance of, and monthly publish the Director's and Deputy Director's [Leadership Calendars](#). Since December 2023, the Director's Front Office now leads the posting of the calendars, and this has reduced the time delay from several months to one month or less. This also lessened the burden on the FOIA team and that has allowed the team to focus these resources on other FOIA priorities.

# Section IV: Steps Take to Greater Utilize Technology

*A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's 2022 FOIA Guidelines emphasize the importance of making FOIA websites easily navigable and complying with the FOIA.gov interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.*

1. *Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?*

Yes

2. *Please briefly describe any new types of technology your agency uses to support your FOIA program.*

During Fiscal Year 2023, the CFPB's FOIA team strengthened its relationship with CFPB's e-discovery team and in doing so, implemented the use of new features of its e-discovery software to perform a more effective and efficient review.

3. *Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.*

Yes, the FOIA team uses FOIAXpress, Electronic Document Review (FOIAXpress add-on), and Relativity. The CFPB estimates that the use of these systems has saved thousands of hours by removing duplicative and non-responsive documents and providing for technology-assisted reviews. The FOIA team used its e-discovery software to improve its data analytics processes, and the effectiveness of the use of the Relativity software to cull FOIA e-discovery search results for both FOIA litigations and requests. Specifically, the FOIA team used Relativity software to remove duplicative e-Discovery search results. A gap was identified related to the production of subsumed duplicates (wholly duplicative email chains). The FOIA team partnered with Legal Technology Support Team (LTST) that manages the e-Discovery process and Relativity software to cull subsumed duplicates in Relativity, thus eliminating the unnecessary review and production of these duplicative emails. This new process led to the elimination of thousands of documents from the review process and a substantial time

savings for all stakeholders which improved the timeliness of these productions for requesters.

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

Yes.

5. *Did all four of your agency's quarterly reports for Fiscal Year 2023 appear on FOIA.gov?*

Yes

6. *If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2024.*

N/A

7. *The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2022 Annual FOIA Report and, if available, for your agency's Fiscal Year 2023 Annual FOIA Report.*

[CFPB Annual FOIA Report FY2022](#)

[CFPB Annual FOIA Report FY2023](#)

8. *In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?*

Yes

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

The FOIA team utilizes technology to improve its communication with FOIA POCs and internal stakeholders through improved reporting and creating multiple touchpoints between stakeholders and the FOIA team. One challenge that we are addressing is the

need for a collaborative space for FOIA POCs to provide input on their responses to searches and document reviews. To that end, the FOIA team has procured a Collaboration Portal add on to its case management system to help CFPB FOIA POCs track and respond to FOIA searches and SME reviews; improve collaboration; and decrease the manual work in re-inputting data provided by FOIA POCs. The FOIA team is currently beta testing the portal with a selected group of FOIA POCs.

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

*The Attorney General's 2022 FOIA Guidelines instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.*

### A. Remove Barriers to Access

1. *Has your agency established alternative means of access to first-party requested records, outside of the typical FOIA or Privacy Act process?*

Yes

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

Using an [established portal](#), individuals can access detailed information regarding first-party complaints to the CFPB's [Consumer Complaint Database](#) using a login and password that is created when the consumer submits the complaint. The CFPB also publishes a [Public Data Inventory](#) of our open data assets for the public to access directly. In addition, the CFPB publishes [leadership calendars](#) proactively, given the public interest.

3. *Please describe any other steps your agency has taken to remove barriers to accessing government information.*

The FOIA team is working to remove barriers to access by proactively and continuously reaching out to FOIA requesters to perfect and clarify FOIA requests. When the FOIA team receives inquiries that cannot be addressed by the office, the FOIA intake team provides the requester any pertinent information and access to resources in an effort to assist the requester with their ask. FOIA requesters are often directed to publicly available document sets, such as [CFPB's Consumer Complaint Database](#), [Enforcement Actions](#), [Public Data Inventory](#) and [FOIA Reading Room](#).

## B. Timeliness

4. *For Fiscal Year 2023, 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 2023 Annual FOIA Report.*

6.6

5. *If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2023 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less. N/A.*

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

Yes

7. *If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2023?*

Yes, it was 9.63 days.

8. *If not, did the simple track average processing time decrease compared to the previous Fiscal Year?*

No

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2023 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

$(305/537) \times 100 = 56.8\%$

10. 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.

## C. Backlogs

### *Backlogged Requests*

11. If your agency had a backlog of requests at the close of Fiscal Year 2023, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2022?

Yes

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2023 than it did during Fiscal Year 2022?

N/A

13. If your agency's request backlog increased during Fiscal Year 2023, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

*An increase in the number of incoming requests*

*A loss of staff*

*An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)*

*Litigation*

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

N/A



14. *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 2023. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."*

$(37/510) \times 100 = 7.25\%$

#### Backlogged Appeals

15. *If your agency had a backlog of appeals at the close of Fiscal Year 2023, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2022?*

N/A

16. *If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2023 than it did during Fiscal Year 2022?*

No

17. *If your agency's appeal backlog increased during Fiscal Year 2023, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:*

*An increase in the number of incoming appeals*

*A loss of staff*

*An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)*

*Litigation*

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

N/A

18. *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 2023. Please use the following calculation based on data from your Annual FOIA Report:*

*(backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2023 and/or has no appeal backlog, please answer with "N/A."*

N/A

## D. Backlog Reduction Plans

*19. In the 2023 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 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 2023?*

N/A

*20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2023, please explain your agency's plan to reduce this backlog during Fiscal Year 2024.*

N/A

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

### Ten Oldest Requests

*21. In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?*

No

*22. 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 2022 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.*

The CFPB works hard to close its ten oldest requests. In Fiscal Year 23, the FOIA team closed eight of its ten oldest requests; the other two requests are related to a matter that is being litigated for which FOIA is providing monthly productions.

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

The CFPB collaborated with the e-discovery team to implement standardized search result filters that eliminated the analyst interaction with duplicate emails. This speeded up our review time overall.

#### Ten Oldest Appeals

*24. In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2022 Annual FOIA Report?*

The CFPB did not have any pending appeals listed on the Fiscal Year 2022 Annual FOIA Report.

*25. 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 2022 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

N/A

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

The CFPB routinely closes appeals within the prescribed statutory time frame.

#### Ten Oldest Consultations

*27. In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report?*

Yes

*28. 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 2022 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.*

The CFPB closed the one consultation that was listed in Section XII.C. of the Fiscal Year 2022 FOIA Annual Report.

## Additional Information Regarding Ten Oldest

*29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2024.*

The two remaining 10 oldest requests were tied to an ongoing FOIA litigation for which the FOIA team is making monthly productions. At the beginning of Fiscal Year 2024, the Acting FOIA Manager identified the ten oldest Fiscal Year 2024 pending requests and has a bi-weekly meeting with all the FOIA staff working on these requests to ensure their timely closure.

## F. Additional Information about FOIA Processing

*30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate:*

*The number and nature of requests subject to litigation*

*Common causes leading to litigation.*

*Any other information to illustrate the impact of litigation on your overall FOIA administration.*

The CFPB had three requests subject to litigation during the reporting period. The FOIA team completed productions for two litigations and is making monthly productions for the third litigation. One request was related to political appointees and the other request was related to communications regarding a supervised entity. The pending litigation seeks information related to news reports. The alleged cause of the three litigations was failing to respond within the statutory time frame. To address the one remaining outstanding litigation, the FOIA team assigned an attorney contractor to work with a federal employee to oversee the litigation. The time of the federal employee and attorney contractor assigned to the litigation would have been otherwise utilized in processing FOIA requests. Therefore, the litigation reduced the resources available to process FOIA requests.