Office of the
DEPUTY CHIEF
MANAGEMENT OFFICER

Department of Defense

Chief Freedom of Information Act Officer Report to the Department of Justice

For 2017

Preparation of this study/report cost the DoD approximately $66,000 for the 2017 Fiscal Year

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2017 Department of Defense

Chief Freedom of Information Act (FOIA) Officer Report to the Department of Justice

Executive Summary

The 2009 Department of Justice's Freedom of Information Act (FOIA) Guidelines require the Chief FOIA Officer for each federal agency to submit a report to the Attorney General containing a detailed description of the steps undertaken by the agency to improve FOIA compliance and transparency.

In my capacity as the Assistant Deputy Chief Management Officer (ADCMO), I am pleased to present the 2017 Department of Defense (DoD) Chief FOIA Officer Report to the Department of Justice (DOJ). I serve as the senior advisor to the Secretary of Defense and the Deputy Secretary of Defense on business transformation. In this capacity, I also serve as the DoD Chief FOIA Officer. I lead the Department's efforts to streamline business processes and achieve greater efficiencies in management, headquarters, and overhead functions and have continued the DoD tradition of leadership dedication to the success of the Department's 32 FOIA Requester Service Centers (DoD Components) located around the world.

On my behalf, the Directorate for Oversight and Compliance (DO&C) oversees all FOIA policy matters within the DoD. Through the DO&C, I ensure ongoing emphasis on open government goals, applying the presumption of openness, effective systems for responding to requests, increasing proactive disclosures, increasing greater utilization of technology, and improving timeliness. This report encompasses the efforts and results of DO&C and those of all 32 DoD Components listed below:

Air Force	Department of the Air Force
AFRICOM	U.S. Africa Command
ASBCA	Armed Services Board of Contract Appeals
Army	Department of the Army
CENTCOM	U.S. Central Command
DCAA	Defense Contract Audit Agency
DCMA	Defense Contract Management Agency
DeCA	Defense Commissary Agency
DFAS	Defense Finance and Accounting Service

DHA	Defense Health Agency
DIA	Defense Intelligence Agency
DISA	Defense Information Systems Agency
DLA	Defense Logistics Agency
DoDEA	Department of Defense Education Activity
DoD IG	Department of Defense Inspector General
DSS	Defense Security Service
DTIC	Defense Technical Information Center
DTRA	Defense Threat Reduction Agency
EUCOM	U.S. European Command
JPRA	Joint Personnel Recovery Agency
Navy	Department of the Navy
NGA	National Geospatial-Intelligence Agency
NGB	National Guard Bureau
NORTHCOM	U.S. Northern Command
NRO	National Reconnaissance Office
NSA	National Security Agency
OSD/JS	Office of the Secretary of Defense/Joint Staff
PACOM	U.S. Pacific Command
SOCOM	U.S. Special Operations Command
SOUTHCOM	U.S Southern Command
STRATCOM	U.S. Strategic Command
TRANSCOM	U.S. Transportation Command

The DoD has a decentralized FOIA program, with each of the 32 DoD Components listed above implementing their own FOIA programs. The DO&C provides overall DoD FOIA guidance to the DoD Components, helping them ensure that their FOIA processes comply with the FOIA, relevant case law, and DoD policy. The DoD Components are, in turn, responsible for establishing and

maintaining FOIA processes uniquely tailored to each component while providing the best quality customer service possible.

The 2017 DoD Chief FOIA Officer report details how DoD has continued to improve its administration of the FOIA and strengthen initiatives to further streamline our FOIA processes to promote an open and transparent government. Some of the key highlights in this report include details regarding DoD Components vigilance in promoting and attending FOIA training to ensure that FOIA professionals are well versed in the nuances of FOIA intricacies and recently enacted changes. Components are striving to reach more agency non-FOIA professionals, improve overall program efficiencies and provide specific items of most interest to their requester communities.

All the DoD Components are focused on enhancing customer service and communications with FOIA requesters. Many report that public facing electronic tools are helping requesters better track requests, monitor progress towards case fulfillment, and find released records with greater ease. They also report a variety of initiatives and steps undertaken to ensure that their FOIA systems are operating efficiently and effectively. Implementing streamlined processes that were found during the previous reporting period, top this year's list of ongoing creative solutions.

DoD Components remain attuned to public interest and some report posting nearly all processed requests on their websites; additionally, over 80% indicate they have worked closely with requesters in better explaining processes while defining parameters to make the released information more useable to their public. A continued commitment to the principles of openness was showcased this year as the request backlog slightly decreased and over 52,000 FOIA requests were processed during Fiscal Year (FY) 16. Additionally during FY16, 90% of *all* received requests were processed in less than 100 days.

I am proud of the efforts of the Department to improve FOIA processes and look forward to the Department's continued work enhancing and promoting the principles of openness and transparency.

David Tillotson III
Assistant Deputy Chief Management Officer

1.0 Steps Taken to Apply the Presumption of Openness

1.1 FOIA Training

During this reporting period, over 94% of DoD FOIA professionals received formal FOIA training.

Most components sent representatives from their FOIA professional staff to DoD-wide FOIA/Privacy Act (PA) Training Workshops and to the regular DO&C Defense Collaboration Services (DCS) training and chats. Over 95% of the components sent personnel to the DOJ, Office of Information Policy (OIP) training as well as the American Society of Access Professional (ASAP) training. Almost half of the DoD Components hosted internal training for their own personnel. The components which infrequently receive FOIA requests did not send their personnel for training this year because they were balancing other training requirements.

The DO&C is the office within DoD responsible for policy as well as encouraging and promoting FOIA training within the Department. In this capacity, the DO&C conducts FOIA/PA Training workshops and provides virtual training. During this reporting period, DO&C conducted several training opportunities, the largest of which were three, three-day FOIA/PA Training Workshops featuring expert instructors from multiple DoD Components. FOIA topics included DoD FOIA policy, exemptions 4, 5, 6 and 7, document declassification, fees and fee waivers, litigation considerations, dispute resolution, mechanics and best practices in redacting documents. The changes brought about with the passage of the FOIA Improvement Act of 2016, were incorporated into the appropriate sessions. Additionally, a special session was held that addressed the "foreseeable harm" standard. Privacy Act topics included conditions of disclosure, privacy concerns with information sharing and social media and records management.

- The first was held in April 2016, at MacDill Air Force Base (AFB) in Tampa, Florida. This workshop was attended by over 250 DoD FOIA professionals and attorneys stationed in Europe and the United States.

- The second workshop, also a three-day FOIA/PA Training Workshop, took place in November 2016, at Travis AFB in northern California. This workshop was attended by over 200 DoD FOIA professionals and attorneys stationed in the United States and Europe.

- In continuation of the outstanding training at low or no-cost training facilities, another FOIA/PA Training Workshop was held in February 2017, at Joint Base Pearl Harbor Hickam in Hawaii which has a high concentration of DoD personnel engaged in FOIA activities. Over 100 attendees were registered from throughout the Pacific region and United States.

The DO&C also continued virtual training environment efforts through the live DCS and the static Joint Knowledge Online (JKO) tools which are available to world-wide DoD personnel. DCS permits the trainer to simultaneously present PowerPoint slides to attendees seated at their own desks and to have interactive discussions with personnel around the world. The JKO tool allows for uploading previously recorded material and is the current platform upon which the OIP FOIA training videos are hosted.

The DO&C continued last year's sliding schedule for DCS chats so that world-wide time zones could be accommodated and FOIA Professionals would find one or more of the sessions scheduled at convenient times. Participants joined in from across the United States and DoD installations in Europe, Afghanistan, and the Pacific. Average attendance was between 110 and 200 at the two chats held during this reporting period.
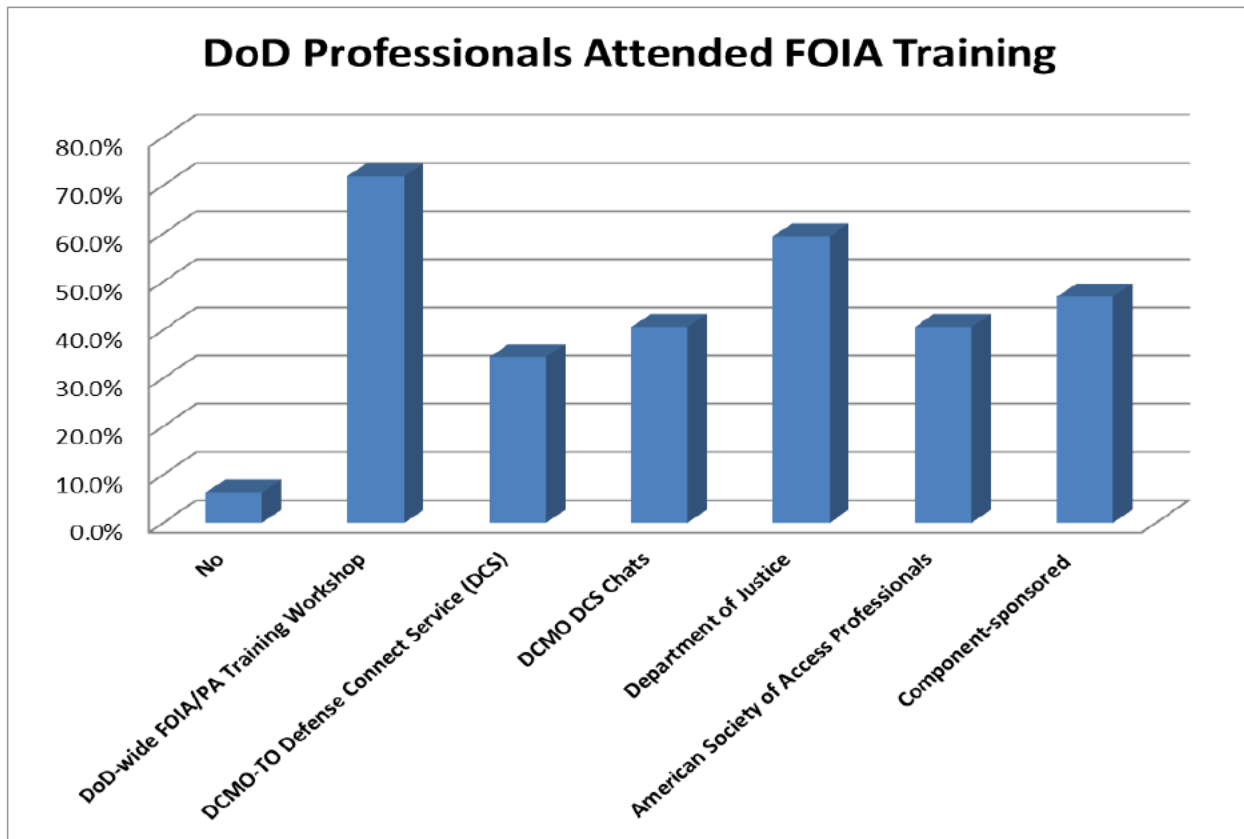
Almost half the DoD Components reported hosting their own training for FOIA professionals. For example:

- The Air Force Judge Advocate (JA) General's Administrative Law Directorate and the Major Commands offered training for their respective FOIA professionals. The JA courses were also offered to the Air Force FOIA Program Office with focuses on implementation of the new changes to the FOIA law and processing improvement. Shared knowledge was in turn disseminated through bi-weekly FOIA/Privacy teleconference with Air Force-wide FOIA and Privacy professionals. Additionally, Air Force was the only DoD Component to hold a component-specific all day session at the DoD-wide FOIA/Privacy Act (PA) Training Workshop held on Travis AFB, in November 2016.

- The Department of the Navy Office of General Counsel (OGC) held a three-day workshop on FOIA and focused on training in the application of exemptions. The Navy OGC invited speakers from DO&C to supplement in-house trainers with wide-ranging FOIA experience.

- The Office of the Director of National Intelligence (ODNI) hosted training which was a collaborative effort between Intelligence Community and DoD trainers who taught on specific FOIA issues of interest across both ODNI and DoD. Many DoD Components sent attendees and engaged the speakers with challenging and complex questions.

- The DHA FOIA Office acquired subcomponents this year in a reorganization effort to streamline its program. The subsequent DHA-wide training focused on proper application of exemptions and changes wrought by the amendments to FOIA along with good processing procedures.

- AFRICOM, DCMA, DIA, NGA, NORTHCOM, NGB, NSA, PACOM, SOUTHCOM, TRANSCOM all offered comprehensive training to their FOIA professionals and taught on subjects such as component policies and case processing procedures while also covering FOIA challenges and openness in government.

- STRATCOM particularly focused on its subcomponent FOIA professionals and subject matter experts this year in offering case processing best practices and discussing better reasonable segregation efforts to improve its information release efforts.

Finally, the commitment to quality customer service and partnership with the DoD OGC Alternative Dispute Resolution (ADR) Liaison and the Army OGC ADR Program Director experienced renewed vigor this reporting period as a DO&C staff member acquired Federal Workplace Mediation certification. Overview sessions for FOIA professionals in the areas of best practices in conflict resolution and customer relations were presented at the three-day FOIA/PA Training Workshops held in April and November. A collaborative and interactive all-day training class in FOIA conflict resolution and customer relations was also offered to DoD FOIA Professionals in October. Additional all-day sessions are scheduled for March and August of 2017.

1.2 Outreach

The OSD/JS staff provides the DoD representative to the FOIA Federal Advisory Committee which is a public forum for FOIA requesters and professionals to discuss ideas and concerns. The Committee is composed of ten government and ten non-government members, supported by the Office of Government Information Services (OGIS) and governed by the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Committee studies the current FOIA landscape across the Executive Branch and may recommend legislative action, policy changes or executive action.

Most of the DoD Components reported little need for substantial engagements with the requester community in the form of formalized outreach activities because the components have been more proactive in contacting individual requesters and engaging in substantive exchanges designed to more fully educate, explain and provide specifically detailed information. Some of the smaller components with low requester volume indicated that the information requested from them lends itself to more personalized interactions with requesters from the beginning of the FOIA process. The smaller staffs result in requesters working with the same person which allows rapport development and better anticipation of high demand materials. For instance, DCAA reports an average response time for FY16 requests of 11 days and that many of the documents typically

sought by those making FOIA requests, such as those providing insight into the mission and accomplishments, are already available on their website.

However, a few of the DoD Components reported engagement in formal outreach activity. For example:

- Some of the DoD Components, including Navy reported participating in DOJ OIP sponsored sessions with the requester community.

- Some components such as DIA, also reported participating in ASAP events facilitating dialog with the requester community.

- OSD/JS met with a frequent requester from the advocacy community to provide new perspectives on structure, streamlined processes and different responsibilities as a result of refreshed organizational ties.

- Other components emphasize their work with their Public Affairs Offices to better reach the public. For example, Army has their world-wide FOIA personnel work with their local Public Affairs Offices to reach its specific requester community and promote open dialogue.

Additionally, other components opted for tools more closely suited to their component structures. For example:

- NRO conducted an online survey with its frequent requester community in order to better assess and understand satisfaction with FOIA processes and response letters. This instrument included a section for requesters to provide input on what types of information was most desired under the proactive release program.

- DeCA worked with its requester community in regards to shelf-stocking and custodial operation records as well as records of interest to organized labor advocacy groups. These efforts have resulted in productive dialog and streamlined record production.

1.3 Other Initiatives

The DoD Components reported a variety of methods to inform non-FOIA professionals about FOIA. The most commonly employed methods are general FOIA training for all personnel and introductory detailed training for new subject matter experts (SME). The general training is necessarily broad and introductory in nature while the SME training features detailed instructions and points of contact for questions, so that SMEs understand both FOIA – in terms of the law, and particular agency policies – in terms of practical application. For instance:

- The Air Force has all-personnel mandated Annual Total Force Awareness Training, which includes FOIA content.

- NORTHCOM trains all employees upon entrance to duty and annually thereafter.

- DTRA also has annual training which includes FOIA content while DoDEA and DSS have FOIA training for all new employees.

SMEs generally belong to program offices scattered throughout subcomponents and have the most knowledge about subjects and information under the component's purview. They are commonly in offices located physically away from FOIA program offices which can make it very challenging to ensure that SMEs remember, understand and adhere to FOIA requirements. FOIA Officers and FOIA program staff in the DoD Components frequently find themselves in the Sisyphean role of endlessly explaining the importance of FOIA which is usually an additional duty, and sometimes only occasionally so, for the SME. Components offer SME training routinely and on an ad hoc basis, such as when tasking an element of the component that has not been tasked in a long period of time, to execute a search and/or review for records that have been requested under the FOIA. For example:

- SOUTHCOM provides detailed training to incoming directorate personnel who serve as a point of contact (POC) for the FOIA program. Since the SOUTHCOM directorates have regular turnover of personnel due to the rotational nature of their missions, this training is offered monthly.

- Other components offer SME training frequently as it is needed; for instance, AFRICOM, CENTCOM, DCMA, DFAS, DIA, DISA, DLA, DoD IG, DTIC, DTRA, OSD/JS, SOCOM, and STRATCOM all reported conducting FOIA training for the subject matter experts spread throughout their subcomponents so that SMEs would better understand FOIA, the changes created with the new legislation and appropriate exemption recommendations.

- JPRA reports that to best facilitate sharing information, non-FOIA professionals who are primarily archivists and SMEs, are taught via tasking instructions regarding proper search documentation, line-by-line reviews, appropriate application of exemptions, and referral and consultation procedures. JPRA also developed an internal training plan ensuring that all non-FOIA professionals have uniform guidance on the proper handling of FOIA requests.

- EUCOM and TRANSCOM are also mirroring some of the JPRA efforts with a checklist or forms as part of their tasking instructions. TRANSCOM also includes FOIA educational material with their taskings. The Navy, in their tasking instructions, includes references to specific instructions, policies and guidance materials which are available to all internal Navy elements. The NGB took additional measures and added FOIA requirements for the record holders in their Staff Action Processes and Procedures Manual which applies to, and is used throughout the entire NGB.

Some components educate on FOIA starting at the top of the chain of command. For instance:

- Air Force provides monthly senior leader updates and ASBCA provides training discussions at recurring judges meetings. JPRA also regularly briefs their senior leadership on agency obligations.

- Army reported that the Army FOIA Office and numerous commands provide briefings to the different Army leadership command levels, as well as, command specific leadership personnel on the basic principles of FOIA and their responsibilities.

- OSD/JS reported that in an effort to obtain more effective support from subcomponent offices, component senior leaders have been briefed and better educated on FOIA processes, requirements and obligations.

With respect to other initiatives to ensure the presumption of openness, NSA published an internal article celebrating the 50th anniversary of FOIA and has added material to its Declassification and Transparency website www.nsa.gov/news-features/declassified-documents as part of its overall organizational openness efforts.

CENTCOM issued a memorandum to all Directorates and Special Staff Offices emphasizing openness and directing a focus on releasing as much segregable information in FOIA reviews as possible.

DFAS reports that it redesigned and expanded the FOIA reading room to post all high interest records regardless of whether or not they were requested under the FOIA. The Navy is also proactively posting high interest items on its newly designed reading room site http://www.secnav.navy.mil/foia/readingroom/sitepages/home.aspx which showcases some of its more recent releases of high public interest.

NGB is so concerned with proper application of the presumption of openness that it explains and then requires record holders to certify that the foreseeable harm standard, as enacted in the FOIA Improvement Act of 2016, has been fully considered and evaluated before it will accept any final redactions. DTRA and NRO have a similar process in that they expect their SMEs to articulate the harm for redacting anything eligible for release under the foreseeable harm standard.

Army indicates that the FOIA Program Office continues to emphasize and work with command FOIA personnel to enforce the Attorney General guidelines and makes the policy memorandums available as an online resource. In consultation with Army Public Affairs Offices, Army Activities have released a diverse amount of information to the public. Information has been released via news and media outlets, Army.mil websites and through social media such as Facebook, YouTube and Twitter.

Air Force reports that the FOIA Offices routinely publish all FOIA responses to its FOIA Library, with the exception of the requests with privacy implications. Air Force FOIA Offices continue to work closely with Public Affairs to routinely post responsive documents that may be deemed significant or newsworthy. Furthermore, they are publishing written guidance Air Force-wide to legal and FOIA professionals regarding the impact and presumption of disclosure, and to reiterate the presumption of openness to all Air Force personnel.

2.0 Steps Taken to Ensure that DoD has an Effective System in Place for Responding to Requests

2.1 Processing Procedures

For FY16, the average number of days reported for adjudicating requests for expedited processing in DoD was 7.9 days. Of the components, 41% report not adjudicating any requests for expedited processing, while 41% report adjudication within 10 calendar days which is an improvement over last year's numbers. The remainder of the components experienced slippage in response times due to Initial Denial Authority (IDA) inaccessibility, understaffed offices, other duties and conflicting priorities as well as a lack of awareness in tasked offices. These components report updates to electronic systems to provide automatic reminders, plans to make changes in processing procedures to adjudicate and review expedited cases in a streamlined manner, as well as, execute better training so that personnel in all levels of the process more fully understand requirements.

DoD Components Average Number of Days for Adjudicating Expedited Requests in FY16
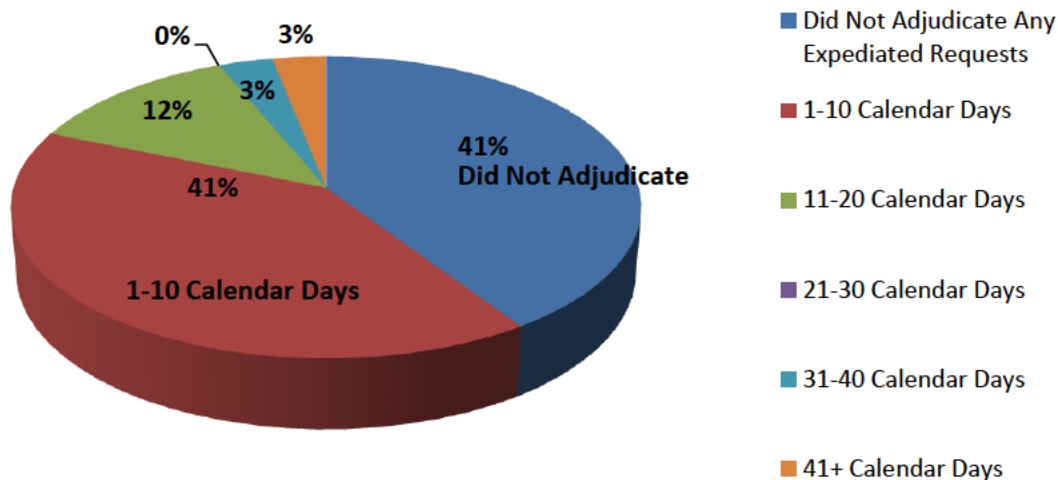
Additionally, most DoD Components report conducting some form of self-assessment of their FOIA programs. The popular methods are case or case tracking software assessments and continuous process improvement (CPI) style initiatives where staff members are encouraged to suggest and implement improvements and streamlining opportunities. For instance:

- DIA conducted a quality review of all the open cases at the start of the year to ensure that all cases were moved to the right processing step and it also updated its internal standard operating procedures. It also anticipated completing a routine Office of the Inspector

General inspection in December. NSA is actively in a formal CPI cycle while TRANSCOM revamped its entire program based on similar activities. TRANSCOM is formalizing and standardizing across their subcomponents, resulting in reductions in average response times.

- Army modified its case management system, FACTS to improve administrative process across the entire Army and is working to incorporate subcomponent suggestions to aid with milestone and performance measure improvements. Air Force continues to focus on its subcomponents which fail to reach required backlog reductions and also monitors monthly progress.

- DSS experienced staff turnover this year but still executed assessments of the tracking management system to find better ways of improving data capture for work flow simplification. It is also conducting market analysis in consideration of a full upgrade to improve its FOIA case management across the areas of routine requests, consultations, appeals and litigation.

- NRO transitioned to a new case management system and reviewed its entire workflow system as part of the shift. It is expecting an update to the software which will facilitate progress monitoring. As a result of the action around obtaining the new system, it reviewed internal directives and instructions and eliminated two.

- The Navy conducted site visits with some of its subcomponents while SOCOM reviewed workflows and case management efficiencies. DISA also executed a formal review resulting in development of a Strategic Plan for program improvement. The DoD IG runs regular metric comparisons of weekly progress plotted against previous year performance. These reports are fully reported through the chain of command.

- AFRICOM ran a processing procedure review resulting in a proposal to reorganize the IDA structure and facilitate more uniform and timely responses. DCAA updated its program instruction so that centralization would streamline processing procedures resulting in a consistent product.

- DFAS used the Management Internal Control Program (MICP) to formulate process maps and enable accurate testing of its key processes, associated risks and control objectives. It is using the MICP testing cycle for the processes executed daily, weekly and monthly.

Finally, approximately 21% of the total FOIA requests received by DoD Components were commercial use requests. However, over 70% of DoD Components reported that commercial use requests represented less than 50% of their cases. The five components that received over 50% of requests from commercial use requesters are unsurprisingly: ASBCA, DCAA, DCMA, DLA and TRANSCOM. These components have routine and regular interaction with commercial entities as part of their fundamental component missions, so it is expected that their FOIA requester community would be similar.

2.2 Requester Services

All the DoD Components make their Public Liaisons available for feedback, questions and concerns. Contact information is posted on https://www.foia.gov/report-makerequest.html as well as most component websites. The Public Liaison contact information is included in response letters to requesters. Some components also provided an anonymous feedback mechanism through online surveys.

As illustrated in the chart below, requesters never contacted DoD Component Public Liaisons at some components, whereas requesters contacted the Public Liaison on a regular basis at others. Since DoD's FOIA Program is decentralized, eighteen components have Public Liaisons appointed from within their components and fourteen have a shared Public Liaison. The shared Public Liaison reports weekly contact in the Public Liaison role, but the specific DoD Component with which the request was associated varies. A full third of DoD Components report requester contact with the Public Liaison on a basis that is: once or twice a year, quarterly or monthly. Only one component reported that their Public Liaison has daily contact with requesters.
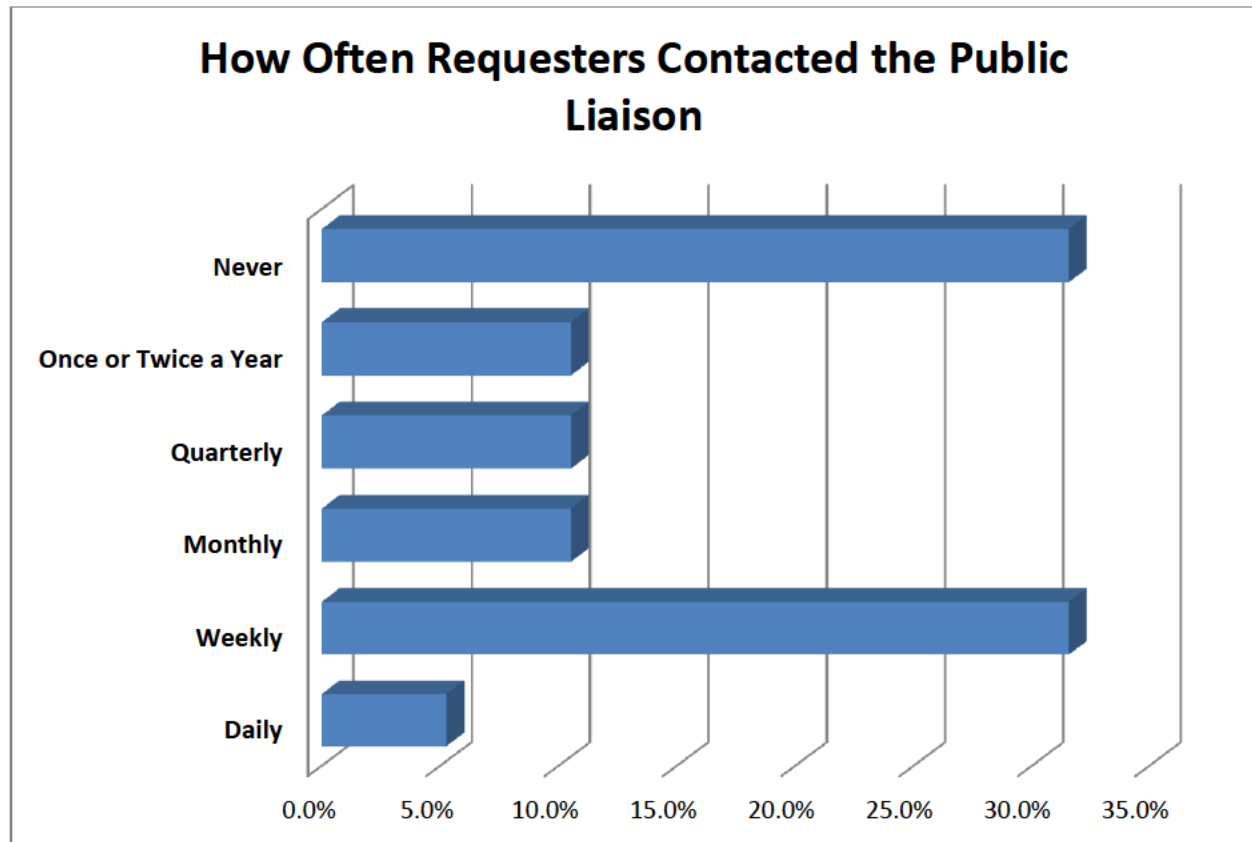
The FOIA Improvement Act of 2016 requires agencies to make their reference material and guides for requesting records or information from the agency electronically available to the public. DoD led the way by making the FOIA Handbook available on the web nearly twenty years ago. It has been updated continually, and is currently available on the following link: http://open.defense.gov/Transparency/FOIA/FOIA-Handbook/. The following website also

holds other guidance, policy information and helpful contacts for the public and FOIA professionals: http://open.defense.gov/Transparency/FOIA.aspx.

2.3 Other Initiatives

DoD Components report a variety of initiatives and steps undertaken to ensure that their FOIA systems are operating effectively. Improving the centralized systems that were initiated in the previous reporting period, updating tools and formally implementing overhauled processes from the previous reporting period top this year's list of consistently improving efficiencies. As noted above, the DoD FOIA program operates on a federated model but some of the components are continuing to focus on efforts to internally centralize key systems and establish preferred formats. For instance, TRANSCOM continues to improve on its broad programmatic perspective and indicated that it has revised its instruction to provide better information for requesters *and* for subcomponent personnel resulting in TRANSCOM processes becoming more user-friendly for everyone.

Additionally, Army continues to refine its electronic case management system and recently completed an update to the search page criteria that makes it easier to find information and released documents. Navy also undertook upgrades to its search function while Air Force merged requester history and profiles to streamline user profiles and ensure that requesters have their information consolidated for ease of use.

Other highlights include:

- DIA reports that it provided all of its requesters a status update at the beginning of the FY.

- DSS reports that it is in the process of updating its website so that it will have confirmed Section 508 compliance as well as a more user-friendly search function.

- NGB has switched to a newer tasking system so that there is visibility throughout the subcomponents for faster responses on FOIA tasking.

- PACOM continues its efforts at streamlining working-level interactions among the FOIA professionals within its subcomponents and the Service Component FOIA officers.

- DISA indicates that its Strategic Plan is going to be the road map to piloting better processes and efficiencies.

- JPRA continues to streamline its internal forms to better document record searches and processing costs while also using document sharing platforms to facilitate efficiencies.

- DoD IG upgraded its redaction software and case management system and discovered that a significant portion of its backlog was tied to outstanding consultations. It has assigned personnel to focus exclusively on processing and seeing those cases through to completion.

- DLA migrated to a new case management system and is awaiting improved processes and workflows in the next reporting period.

- AFRICOM took an approach to work in collaboration with the records management office as well as the Information Technology directorate to improve search processes.

- OSD/JS has aggressively reinforced requirements for subcomponents to identify search locations and terms, as well as, pursued clear identification of what is necessary for reformulation of requests that are rejected as not reasonably described. It is also revising templates and standard processes while formalizing knowledge sharing.

- DFAS moved to an electronic records management system for FOIA case files which has reduced its search time for previous case histories.

- NGA is upgrading its case management system and included additional quality control measures to ensure case integrity.

- CENTCOM is using records management software to do limited de-duplication and to improve its search processes.

- NRO is piloting an effort in FOIA professional "pre-processing" records before sending to subcomponents for review. This pilot effort is designed to save SME time from having to start from the very beginning versus reviewing a draft.

Finally, NORTHCOM continued making significant forward progress in its FOIA administration as it improved search processes in its portal-based system. The earlier transition to this system facilitated the FOIA professional's ability to execute initial searches and then task specific organizations based on the search results instead of assigning searches to organizations and awaiting responses. NORTHCOM also previously implemented an electronic records management application which improved record search and retrieval on its unclassified systems and are about to begin a similar effort on its classified systems.

The key theme in the highlights above is the DoD Components commitment to carrying through last year's initiatives. Components are implementing long-term improvements to bring about positive and lasting efficiencies.

## 3.0 Steps Taken to Increase Proactive Disclosures

3.1 Posting Material

Frequently requested records are easily identified at some DoD Components because case tracking systems or small staffs recognize requests and flag them for posting. Other components report not having frequently requested records or as in the case of DoD IG, already posting nearly all the requests on their website which negates the need to identify records as frequently requested in order to post them.

Some components such as DSS, DFAS and JPRA report that multiple requests for the same records were not received since the vast majority of the requests fall into privacy information concerning the requester. However, most components report some level of FOIA log review or request trend

analysis to pinpoint items of high public interest. These items may be subject to posting as frequently requested items.

Additionally, NORTHCOM, OSD/JS, DTIC and Air Force post nearly all requests without privacy implications to their FOIA libraries and websites. Other components, DIA among them, report that they are close to posting all requests online. Navy highlights some as "hot topics" on its website but its case management system has made searching for released records much easier for requesters.

How DoD Identifies Frequently Requested Records
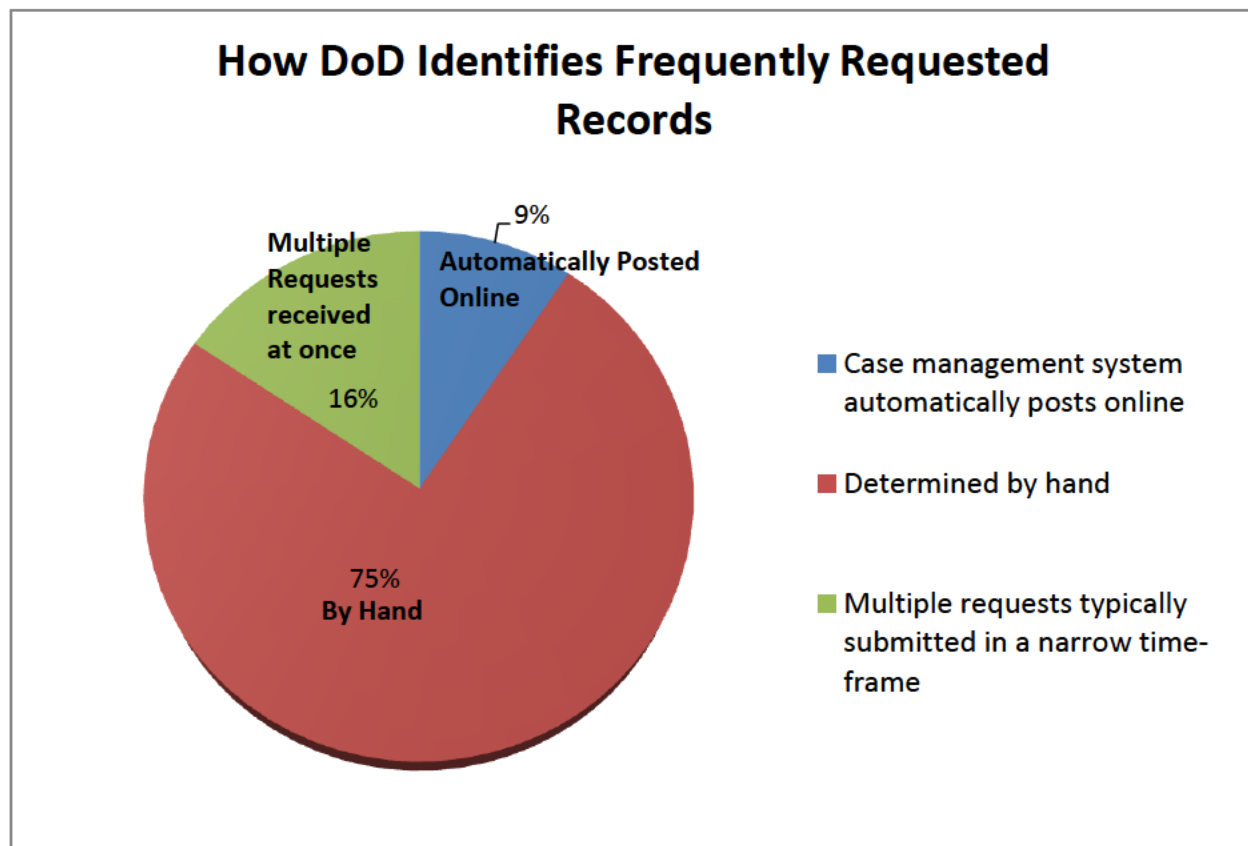
Furthermore, 62% of DoD Components reported a distinct process or method of identifying other records for disclosure.

- NGA posts annual reports and FOIA logs to the reading room.

- NRO works closely with the automatic and systematic declassification programs to identify material that could be proactively released. It is also initiating an effort to ask the entire organization about creating certain products in an unclassified format so that release can be effected very shortly after creation.

- ASBCA posts all of its publicly available decisions on its website irrespective of FOIA requests.

- DTIC automatically publishes all releasable technical reports.

- Navy and Army delegated the decision-making for proactive releases to their subcomponents which have a variety of methods for releasing items to their public interest communities.

- SOCOM is moving to posting most contracts on its website.

- DOD IG is focusing on the potential for publishing all reports; in fact, the Acting Inspector General issued a policy requiring subcomponents to review reports during publication to determine suitability for proactive release.

Of the 32 DoD Components, 22% reported challenges with posting records that they would have liked to post on their websites. This is a decrease from the previous reporting period but the issues generally remained the same, ranging from limited permissions and authority to post materials, to basic file size limitations. One significant non-technical concern was the inability of the FOIA program offices to control IT or Public Affairs priorities resulting in delays for posting released material. The challenges are being met with more concerted efforts to obtain expanded permissions and greater file storage capacity along with attempts to increase awareness regarding importance of FOIA missions to non-FOIA professionals.

During the reporting period, 66% of DoD Components proactively disclosed material, a slight increase over the previous reporting period, and many publicized and highlighted these important disclosures for public awareness. DoD IG tweets newly published reports and offers an email subscription service for notification of new postings. Most components are on social media and report making announcements through a variety of platforms including Facebook, Twitter, YouTube, Flickr, RSS feeds, LinkedIn and blog posts.

DIA posted speeches at the following link: www.dia.mil/News/Speeches-and-Testimonies and newly released information and articles at the following link: http://www.dia.mil/News/Articles/.

DSS posted new information that would otherwise have required FOIA requests regarding Counterintelligence items of interest at the following link: http://www.dss.mil/ci/index.html.

Navy has provided new resources from its FOIA program page at the following link: http://www.doncio.navy.mil/TagResults.aspx?ID=122.

DCMA posted information on Logistics Civil Augmentation Program (LOGCAP) Letters, Monthly Assessment Reports (MAR), Contractor Purchasing System Review (CPSR) schedules Qualified products List (QPL) and quality Technical Information Papers (Q-Tips) at the following link: http://www.dcma.mil/HQ/FOIA1/library/.

SOCOM has released the previously mentioned contracts at the following link: http://www.socom.mil/FOIA/Pages/FOIAContracts.aspx.

Air Force posted material such as President and First Lady of the United States travel, factsheets, aircraft accident reports, historical reports, contracts, mission reports, government purchase card holders, audit reports, radar reports, FOIA logs, FOIA annual reports, organizational charts, FOIA training material, policy, guidance, flight operation, unit histories and historical honors to the FOIA Library at the following link: http://www.foia.af.mil/foialibrary/index.asp.

DLA posted Law Enforcement Support Office transfers on its FOIA Reading room available at the following link: http://www.dla.mil/DispositionServices/FOIA/EFOIALibrary.aspx.

ASBCA published opinions and significant orders, including dismissals are available at the following link: http://www.asbca.mil/Decisions/decisions2015.html. Examples of the Alternative Dispute Resolution clauses and agreements to use before the Board are posted at the following link: http://www.asbca.mil/ADR/adr.html.

Army posted material to its FOIA library (https://www.foia.army.mil/ReadingRoom/) covering such topics as Bergdahl court martial trial documents, the Army Regulation 15-6 investigation of Micah X. Johnson, and military insignias from the Institute of Heraldry.

DoD IG posted the report, DoD's Policies, Procedures, and Practices for Information Security Management of Covered Systems at the following link: http://www.dodig.mil/pubs/documents/DODIG-2016-123.pdf.

NSA posted 11 new Cryptologic Quarterlies at the following link: https://www.nsa.gov/news-features/declassified-documents/cryptologic-quarterly/, as well as Oral History Interviews at the following link: https://www.nsa.gov/news-features/declassified-documents/oral-history-interviews/.

3.2 Other Initiatives

NORTHCOM is using web analytics to determine which records are viewed in its FOIA reading room and how many visits for each record, while NRO meets with its agency historians and public affairs staff to gauge records that are of most interest. NRO's effort is a long-term one in determining which programs and topics may be good candidates for declassification efforts across the subcomponents and other agencies. It also engaged its requesters in a web survey and inquired about what type of information or topics its requesters would like to see. DFAS posted Retired Pay Statistics at the following link: https://www.dfas.mil/foia/foiareadingroom.html.

Additionally, DCAA continued other steps to increase proactive disclosures through its Field Liaison Advisors who work with acquisition, contract administration, and contract audit personnel to coordinate audit processes and provide other valuable audit assistance. It also focuses on assisting small businesses with training and information to help them navigate the audit process. Those presentations and guidebooks are posted on its public website at http://www.dcaa.mil/audit_process_overview.html.

4.0 Steps Taken to Greater Utilize Technology

4.1 Making Material Posted Online More Usable

Over 50% of DoD Components report they are taking steps to make the posted information on their websites more useable to the public. Most of these components indicate that they have added or broadened search functions to their websites to make it easier to find specific information. Others discussed making the websites easier to use on mobile devices and generally more user-friendly overall.

Component taking steps to make posted information more useable to the public?
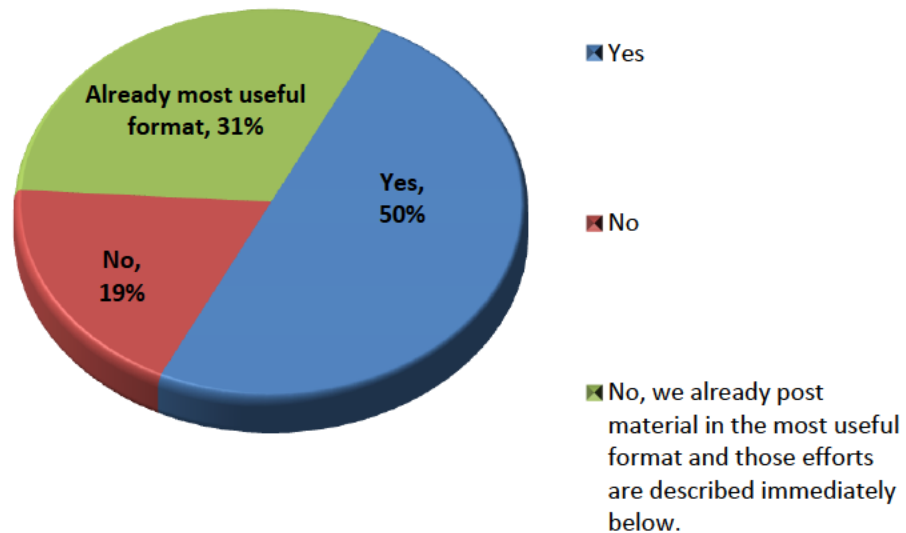
Furthermore, 31% of DoD Components report that they are already providing information in its most useable format. Those components indicate that they have categorized information on their websites so that it is easily browsed by topics of interest and are uploading materials that are Section 508 compliant. Several components indicated that they have added functionality in terms of subscription services so that the public can choose to be notified whenever something new is posted. For instance,

- AFRICOM reports that it has added an option for a news feed subscription service and that its applications have update alerts which subscribers can opt-in for automatic alerts to new posts.

- CENTCOM reported that it is in the process of a website refresh which will include a new search functionality to search within documents, not just document subjects.

- DTIC reports that it established the Technical Integration and Resolution Center to help its website users and to improve mobile device access.

- ASBCA, DSS and EUCOM report that they have efforts underway to improve their website accessibility and Section 508 compliance.

- Army updated its FOIA Library to make it more intuitive and provide a fresh look as well as incorporate an area for recently added documents.

- NRO is working to overhaul its website to make it generally more user-friendly and the FOIA Office is working with the Chief Historian in order to put together narratives that will help contextualize some of the historically significant document releases.

- NSA has redesigned its website to make it more user-friendly and provide easier search capabilities.

- OSD/JS has updated its website, including routinely scanning materials so they are Optical Character Recognition (OCR) enabled, which makes the search function more user-friendly.

The DoD Components also report that they are working with non-FOIA professional agency staff to identify other ways to post agency information online. Most work very closely with their IT professionals and with their Public Affairs Officers to address technical aspects and better gauge public interest. Others report working with document repository owners so that they are readily involved in potential releases under the foreseeable harm standard. Several components reported working with their case management system professionals, who are not necessarily agency staff, to improve the systems that serve the public as well as the agency FOIA professionals through case or document release automation. Several components have reported work with their Knowledge Management Officers to better present information that has been difficult to find on their websites and to improve the relevance of what is posted.

4.2 Use of Technology to Facilitate Processing of Requests

During this reporting period, 53% of DoD Components reported that they conducted training for FOIA professionals and staff on new processing tools. Most of the training centered on the technical application of redaction software, new records management system search capabilities or on new or revised case management systems. Some components found it necessary to teach on the website redesigns so that staff can provide adequate support to requesters during transitional periods. Some components also reported movement from traditional shared drives to document sharing platforms which necessitated training on better searching, as well as, file naming conventions.

As a result of advancing technology 69% of DoD Components report using technology to facilitate overall FOIA efficiencies which is an increase over the previous reporting period. Several components reported expansion of document sharing platforms into the classified realm which is facilitating consultations and coordination efforts across subcomponents and with other agencies. Several components report moving to enterprise records management (ERM) systems which facilitate de-duplication and better searches similar to those reporting moving to document sharing platforms. Of the components reporting the move to ERMs, several eliminated wasted effort by both FOIA professionals and agency subject matter experts, naturally resulting in an increase in processing efficiencies. Several components also report movement onto agency task management systems so that FOIA deadlines have better visibility throughout the chain of command. The training on these various systems was typically offered by contractors or other agency elements to FOIA professionals and staff.

In regards to additional tools that could be used to create further efficiencies, several components have reported that tool centralization, cloud storage and sharing, as well as greater component senior leader involvement in assuring compliance with FOIA requirements could create the greatest impacts. They also note the difficulty in system acquisition as well as day-to-day mission requirements in recognizing that upgrades and change usually occur slowly over time. Components note that opportunities for information exchange and sharing best practices help the smaller program offices with stronger connections with the larger FOIA community while the larger program offices benefit from a certain amount of agility in the small programs and opportunities for test-bed pilot projects.

4.3 Other Initiatives

DoD successfully posted all four quarterly reports consisting of information from all 32 components during FY16.

5.0 Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

5.1 Simple Track

All of the DoD Components use a separate track for simple requests or receive so few requests that the cases default to the simple request category for tracking and reporting purposes. TRANSCOM received requests that were all complex or expedited, resulting in that component having no reporting metrics for the simple track and being unable to complete processing for the complex cases in less than 20 days.

For DoD as a whole, the average number of days to process simple requests was 19.5 days with 91% of components reporting processing accomplishment in under 20 days. Considering that 54.6% of all FY16 requests processed by DoD Components were in the simple track, the majority of requesters are seeing their cases resolved in less than 20 days. This is particularly positive given that five components processed over 1,200 cases and of those five, two processed over 6,000 requests during the last reporting period.

5.2 Backlogs

For DoD overall, the backlog went down 3.1%. Of the 32 DoD Components, 16% had no request backlog at the end of FY15, although only 3% had no request backlog at the end of FY16.

Did the FY16 Backlog Decrease as Compared to FY15?
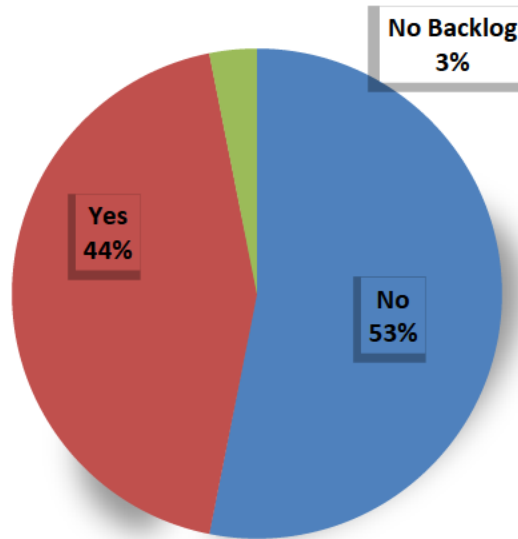
In FY16, 44% of DoD Components experienced a decrease in backlogs, which is an improvement over FY15, where only 34% of components had a backlog decrease.

Percentage of Backlog Decreases
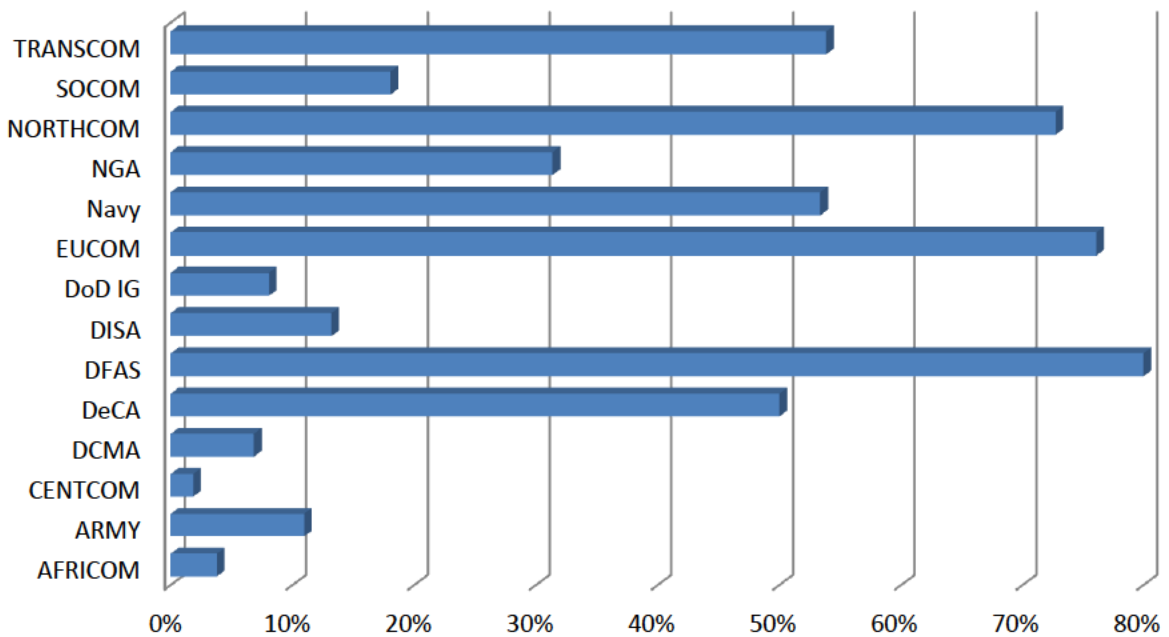
Seventeen components reported having no decrease for a variety of reasons, the primary one being an increase in the complexity of the requests received, followed closely by an increase in overall FOIA related volume of work and a significant loss in experienced staffing. Overall for DoD, the backlogged requests represent 17.3% of the overall requests received in FY16. Many components also point to complexity with requests concerning classified records and the enormous workload represented by litigation efforts as further backlog complicating factors.

The traditional mindset of all agency-owned equities contained within records is being challenged through ongoing joint efforts to share and produce collaborative information across the DoD Components, *and their subcomponents*, as well as within the United States Government itself. This jointness and broader collaboration at the outset of record creation is causing complex issues on the other side of the records lifecycle as FOIA professionals are attempting to provide fully reviewed and releasable material to the public. These issues are not limited to traditional FOIA processing as it also affects material under litigation. When components report litigation burdens, they frequently are not pointing solely to their own component but also to work they are obligated to execute for other components or agencies in response to litigation driven deadlines.

Another factor is that while some components actively engage in rolling, or incremental, releases, those cases remain in their backlog despite the fact that records are regularly produced and made available to requesters. Additional concerns regarding backlog reduction efforts are those requesters who monopolize components resources with a continual stream of complicated requests. One component reports that a single requester continues to be responsible for nearly 25% of their *entire* backlog and refuses to submit clearly defined and specific requests at the beginning of the process. Requesters who submit well delineated requests facilitate searching the correct office, for the right material of interest, and benefit themselves greatly in regards to enabling the FOIA programs to expeditiously begin and complete the process without delays related to understanding which records and defined topics have been requested.

In fact, DoD FOIA professionals have a strong desire to help the public find records of interest. Most enjoy working with requesters who understand that while there are a variety of issues and steps outside of the FOIA professional's control, the FOIA professional wishes to engage in productive dialog and understand the specifics that the requester is seeking, so that the most effective searches can be executed quickly. Specificity in request formulation is something that can be refined in discussions with the FOIA professional but it is also incumbent on requesters to do their own research in attempting to narrow a request formulation at the outset. Requests that indicate, "…everything pertaining to…" a broad topic or "…any and all…" related to a broad topic, do not help the FOIA professional locate the right office or record set to search for responsive material. However, requests that provide details concerning people, places, events and timelines are constructed to provide multiple specific sets of information for most effective search opportunities.

Constructing requests in this manner is analogous to querying an internet search engine for "Gulf War" when trying to locate the GulfLink website (www.gulflink.osd.mil/index.jsp) that was established to provide access to medical, operational, and intelligence documents from the 1990-1991 Gulf War. The term "Gulf War" does not readily find the site, whereas the terms, "Gulf War, Medical, Operational, Documents" find it immediately. DoD records are usually not so easily located by the FOIA professional as an internet search engine query, but if a requester was looking for more information from the office that is responsible for the website, a little research before filing the request would provide a great deal of specificity that enables the FOIA professional to quickly

determine where to send the request for a search that has the greatest opportunity of locating the particular materials desired.

Requesters who execute thorough research similarly to the example above, position their requests to have the maximum potential for quickly reaching the correct office and locating responsive material. Unfortunately, sometimes even the best set of search terms and descriptive information still fails to locate responsive material for a variety of reasons such as the records were not permanent and were therefore destroyed in accordance with the records schedule or the records are permanent and have already been transferred to the National Archives and Records Administration. In many cases, requesters appeal responses including those indicating "no records". Of the 32 DoD Components, 13 do not process their own appeals because the OSD/JS FOIA Appeals Branch handles the actions for them. Of the remaining 19 components, 37% report decreases or no appeal backlogs in comparison to FY15. However, the overall DoD appeal backlog increased 26% as a result of similar overlapping issues as the request backlogs, namely the volume and complexity increases coupled with staff decreases. Many components report multiple challenges as depicted in the chart below.

Appeal Backlog - Reduction Challenges
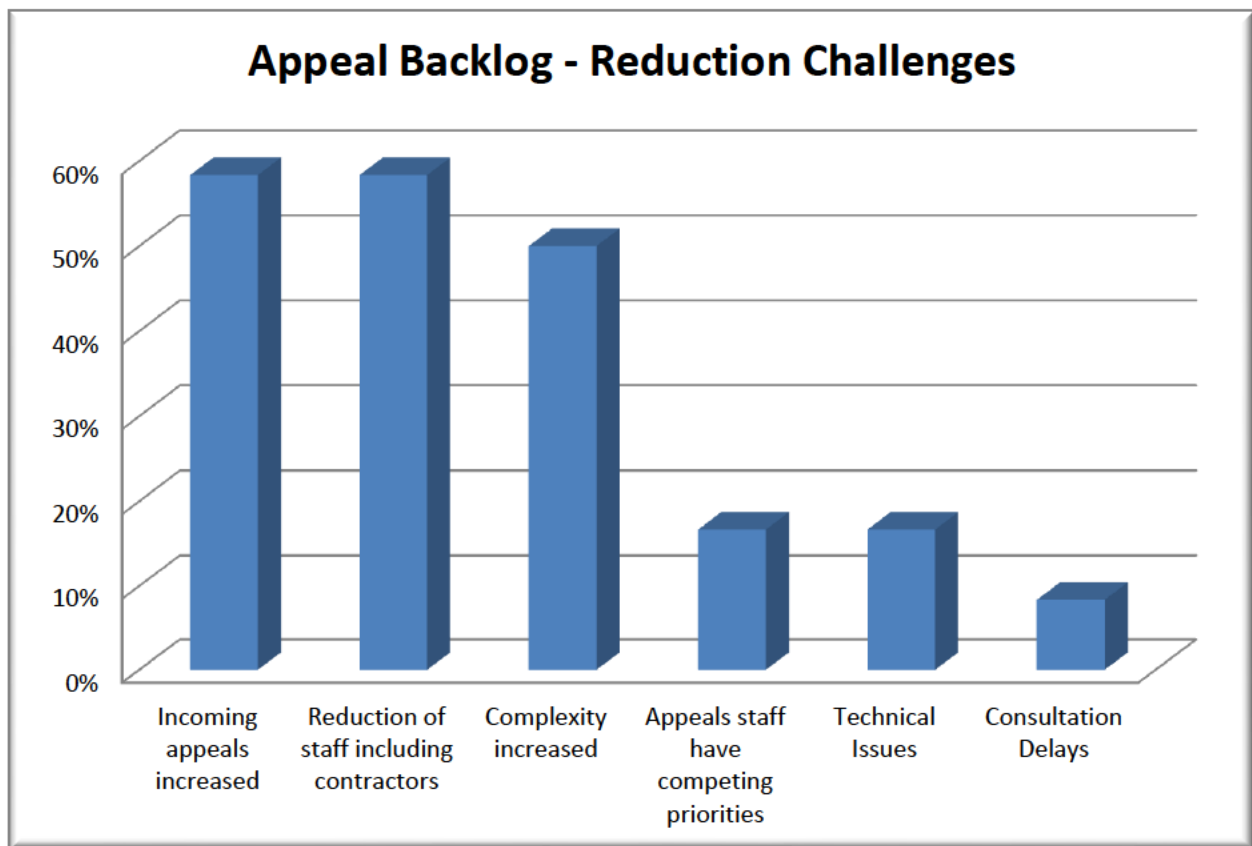
Overall, DoD received 1,074 appeals during the FY resulting in 94.6% of the incoming appeals comprising the backlog.

5.3 Backlog Reduction Plans

The four DoD Components with backlogs over 1,000 requests at the end of FY15 implemented plans to reduce backlogs and address complicating factors. Navy was successful in reducing its

backlog over 50% which is incredible considering that it received over 9,600 new requests during the year. Navy reported that it identified Navy components with the highest backlogs and tracked the metrics on a monthly basis. Navy ensured senior leader awareness and encouraged a focus on backlog reduction, which was announced at the beginning of the year as the top priority for the Navy FOIA Program. It also established an "Excellence in FOIA" award and its backlog at the end of FY16 was under 1,000 requests.

Army was successful in reducing its backlog over 10% which is remarkable considering that it received over 25,000 new requests during the year. It was able to increase its resourcing, streamline some of its processes and maintain senior leader involvement. The Army backlog was also under 1,000 at the end of FY16.

Unfortunately both OSD/JS and NSA reported their plans were overcome by the perfect storm of staffing losses, litigation increases and ongoing high profile events. Collectively their backlogs went up 478 cases resulting in a 34.7% increase over the previous reporting period. These two components with over 1,000 requests at the end of FY16 were also joined by DIA.

OSD/JS reports that its plan is to work with its human resources support team to provide more timely actions and to hire experienced, qualified personnel.

NSA implemented a delegation effort to designate signature authority at a lower level, increased the number of senior reviewers and prioritized cases for senior leader review. Its plan for this FY is to re-establish multiple queues to improve overall case efficiencies and to acquire more resources. It also hopes to implement the findings from its process improvement work to better capitalize on technology improvements.

DIA reports that it is in the process of acquiring more resources.

5.4 Status of Ten Oldest Requests, Appeals, and Consultations

In FY16, DoD closed seven of its ten oldest requests, none of which were withdrawn. In fact, of all the DoD Components, only one had a ten oldest request closed because it was withdrawn by the requester and there was an interim response in that case. Additionally, 38% of the DoD Components reported closing all of the ten oldest requests, or had no pending requests, in the FY15 Annual Report.

- TRANSCOM closed all of its ten oldest for the very first time.

- DCAA, DeCA, DFAS, DHA, DLA, DoDEA, DTIC and OSD/JS, closed their entire ten oldest.

- DTRA, NGB, PACOM and SOCOM closed all but one of their ten oldest. DTRA had one closed because it was withdrawn by the requester.

- CENTCOM, DIA, DISA, DoD IG and NGA closed all but two of their ten oldest.

- Army closed all but three of its ten oldest while DCMA, Navy and NORTHCOM closed all but four of their ten oldest.

- STRATCOM closed half of its ten oldest; Air Force, NRO, and NSA closed four of their ten oldest.
- AFRICOM, EUCOM and SOUTHCOM were unable to close any of their ten oldest requests.

In FY16, DoD closed ten of its ten oldest appeals. As indicated earlier, 13 DoD Components do not process their own appeals because the OSD/JS FOIA Appeals Branch handles the actions for them. Of the remaining 19 components, 14 reported backlogged appeals in the FY15 Annual Report.

- DHA, DTRA, NRO and OSD/JS closed all of their ten oldest.

- Army, DLA and Navy closed all but one of their ten oldest while DIA, DISA and DoD IG closed all but two of their ten oldest.

- NGA, Air Force, NSA and DCMA closed one, two, three, and none, respectively, of their ten oldest.

In FY16, DoD closed five of ten of its ten oldest consultations. Unfortunately, the DoD Annual Report appears to reflect that those five were not closed because they were replaced with five more of the exact same date. Of the 32 DoD Components, 11 reported no outstanding consultations in the FY15 Annual Report.

- DHA, DIA, DoD IG, EUCOM, NGB, NORTHCOM, OSD/JS, STRATCOM and TRANSCOM closed all of their ten oldest.

- DTRA and NGA closed all but one of their ten oldest.

- CENTCOM and SOCOM closed all but two of their ten oldest.

- NSA and Air Force closed all but three and four, respectively, of their ten oldest.

- Army closed half of its ten oldest while DISA and Navy closed four of their ten oldest.

- NRO closed two of its ten oldest while AFRICOM was unable to close any of their ten oldest.

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

As with other sections of this report, components indicate that the complexity of cases, personnel turnover and short staffing along with case volume, records classification status and multiple agency consultations all impact the ability to process requests and close cases. Additionally, nine components reported that they were unable to close some of their ten oldest requests because they were awaiting responses from consultation requests.

Air Force: Four of the oldest FOIA cases were sent for consultation in April 2010. One agency responded in August 2013 and the other responded in July 2014. The Air Force did not concur with the proposed redactions and therefore submitted the cases for a second review in September 2015. The four cases were received on 11/25/2011, 11/25/2011, 11/18/2011 and 11/16/2011 respectively. The date of last contact was 7/15/2016 and 7/11/2016.

Army:

Date Received	Date consult sent to agency	Date last contacted agency
02/19/08	02/27/08	09/2016
06/17/08	06/20/15	09/2016
06/17/08	06/20/15	09/2016
06/17/08	06/20/15	09/2016

DIA:

Date Received	Date Consultation Sent	Date last contacted agency
01/29/2003	02/25/2016	11/4/2016

DISA:

Date Received	Date Consultation Sent	Date last contacted agency
09/24/2013	02/4/2016	08/29/2016

DoD IG:

Date Received	Date Consultation Sent	Date last contacted agency
10/16/2007	09/15/2014	08/24/2016
10/01/2009	02/13/2015	08/24/2016
07/15/2015	10/30/2015	08/31/2016

NORTHCOM:

Date Received	Date Consultation Sent	Date last contacted agency
03/22/2011	09/27/2013	09/30/2016
01/31/2012	06/17/2013	09/30/2016
12/12/2013	05/22/2014	11/21/2016
01/30/2014	05/16/2014	11/21/2016

NRO:

Date Received	Date Consultation Sent	Date last contacted agency
06/05/2012	03/25/2013	09/16/2016
10/22/2012	02/28/2013	09/16/2016
05/02/2013	07/11/2013	09/16/2016

NSA:

Date Received	Date consult sent to agency	Date last contacted agency
3/29/2002	10/29/2010	06/21/2016

| 07/27/2006 | 06/22/2012 | 06/21/2016 |

STRATCOM:

Date Received	Date consult sent to agency	Date last contacted agency
11/27/2013	01/13/2015	10/24/2016
05/20/2014	01/13/2015	10/24/2016
07/23/2015	09/24/2015	09/30/2016

The DoD Components that did not close their ten oldest pending requests, appeals or consultations described a variety of methods regarding how they intend to close their ten oldest. Many are aggressively monitoring metrics and increasing the frequency of status checks with the other agencies. Some are requiring a certain percentage of staff time devoted to these particular cases which are frequently quite complicated and demand high concentration and focus. Others discussed the nature of the case relationship to ongoing litigation or rolling release production which means that work is steadily being completed in these cases although the case-level metrics do not necessarily illustrate that progress in information release. Finally, several have acquired and are pursuing staffing increases and additional management oversight tools.

5.6 Interim Responses

All the DoD Components report systems in place for interim responses when appropriate. Of the 31 components that had backlogs at the end of FY15, nine estimate they provided interim responses in 81-100% of backlogged cases which is a dramatic increase over the two in the previous reporting period. Two components estimate they provided interim responses in 41-80% of backlogged cases, two components estimate 21-40%, seventeen components estimate 0-20% and only one component reports no way to track the percentages of the cases that receive interim responses with its current system, which is a considerable improvement over the previous reporting period.

Estimated Percentage of Backlog Cases where Substantive, Interim Response Provided
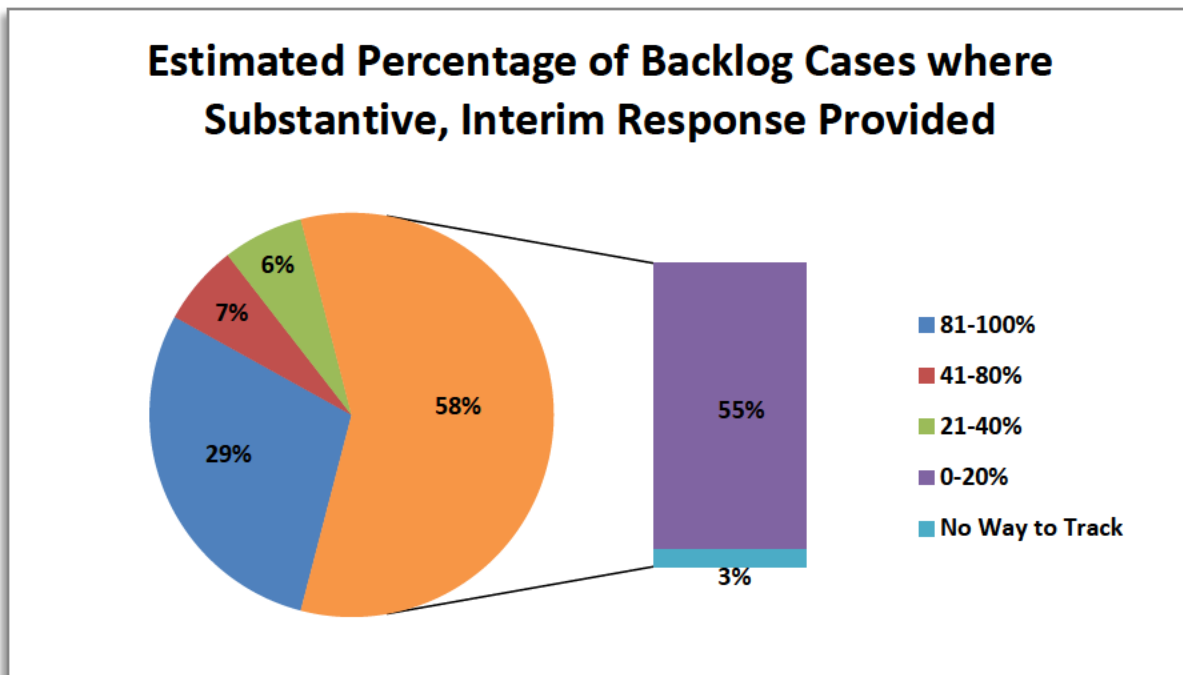
6.0 Success Story

The activities undertaken by the DoD and the DoD Components since March of 2016, to increase transparency and improve FOIA administration are numerous. DoD Components such as STRATCOM, NRO and NORTHCOM have been complimented by their FOIA requesters for the components respective efforts to provide accurate and timely responses while going above and beyond in their service to the public. NRO was particularly complimented for its requester survey and the follow-up that leadership demonstrated in providing quality customer service.

DoD remains steadfast in its commitment to sustainable training, outstanding customer service, and released material electronic availability for all. Achieving these goals across the 32 DoD Components illustrates purposeful training at all levels and DCMO continues leading the way through online training modules, the DCO chats and low cost training workshops in areas with significant DoD active-duty and civilian personnel concentrations. These training opportunities afford DoD personnel around the globe opportunities to expand their FOIA knowledge and increase the depth of their awareness regarding key changes such as those wrought by the FOIA Improvement Act of 2016.

Other key successes:

- Army achieved an 11% backlog reduction and EUCOM reached a 76% backlog reduction
- DCAA is in its seventh consecutive FY with no backlog
- Proactive disclosures of high-demand types of information and an institutionalization of transparency at the point of report creation by DoD IG
- Enhancements to case tracking systems and websites which facilitate the ability of requesters to search for information more easily at AFRICOM, Air Force, Army, CENTCOM, DCMA, DoD IG, DLA, DSS, DTIC, EUCOM, Navy, NSA, OSD/JS and TRANSCOM

The 32 DoD Components continue showcasing commitment to the principles of openness as over 52,000 FOIA requests were processed during FY16. Given the often complex nature of requests directed to DoD and the extraordinary mission of protecting American assets at home and abroad, it is truly remarkable that over 90% of *all* received requests were processed in less than 100 days.