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Description of document: Department of Justice (DOJ) Freedom of Information Act (FOIA) Standard Operating Procedure (SOP) for Office of Information Policy (OIP) 2021 (some records undated)

Requested date: 26-July-2024

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Source of document: FOIA Request
Chief, Initial Request Staff
Office of Information Policy
Department of Justice
6th Floor
441 G Street, NW
Washington, DC 20530
[FOIAstar](#)

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U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

October 15, 2024

Re: FOIA-2024-02806
DRH:ADF:ERH

This responds to your Freedom of Information Act (FOIA) request dated and received in this Office on July 26, 2024, seeking records copies of the Standard Operating Procedures of the Office of Information Policy.

A search has been conducted in this Office, and eighty-three pages have been located that contain records responsive to your request. I have determined that this material is appropriate for release with certain information withheld pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5) and (b)(6). Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552 (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." If possible, please provide a copy of your original request and this response letter with your appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hibbard", written in a cursive style.

for

Douglas R. Hibbard
Chief, Initial Request Staff

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Helpful Websites and Phone Numbers

- DOJ - [U.S. Department of Justice](#)
- OIP's website - [Office of Information Policy | Department of Justice](#)
 - OIP's Guide to the FOIA: [Department of Justice Guide to the Freedom of Information Act](#)
 - [Court Decisions](#)
 - B3 Statute List: [Statutes Found to Qualify Under Exemption 3 of the FOIA \(justice.gov\)](#)
 - OIP Guidance: [OIP Guidance \(justice.gov\)](#)
 - [Decision Tree for Assessing Fees \(justice.gov\)](#)
 - DOJ FOIA Regulations - <https://www.justice.gov/oip/doj-foia-regulations>
- Newspaper Articles
 - *New York Times*: Lexis Account - [Lexis+® - Sign In | LexisNexis](#) (copy and paste the headline in the search box)
 - *Washington Post* – Westlaw
- Significant New Decisions internal database and Circuit Court Decisions internal database: G:\OIP\New Decisions
- FOIAStar- <https://doj-foia-sp.entellitrak.com/>
- OIP Intranet - <https://dojnet.doj.gov/oip/index.php>
 - FOIA exemption checklist - <https://dojnet.doj.gov/oip/docs/combined-checklist.pdf>
 - FOIA language database (for components): <https://dojnet.doj.gov/oip/response-language.php>
- OPCL - <https://www.justice.gov/opcl>
 - Privacy Act Overview - <https://www.justice.gov/opcl/overview-privacy-act-1974-2020-edition>
 - System of Records Act Notices (SORNs) - <https://www.justice.gov/opcl/doj-systems-records>
- FOIA.gov (for agency contact information, FOIA data) - <https://www.foia.gov/>
- BOP's Inmate Locator - <https://www.bop.gov/inmateloc/>
- Timeliness Date Calculator- <https://www.timeanddate.com/date/dateadd.html>
- Bluebook - <https://www.legalbluebook.com/bluebook/v21/tables/t6-case-names-and-institutional-authors-in-citations>
- PACER - <https://pacer.uscourts.gov/>
- FOIA Counselor Phone Number: 202-514-FOIA (3642)
- JCON (tech issues): 202-616-7100

Overview of the Appeals Process

I. Appeals Assignment

- a. An appeals manager reviews incoming appeals and assigns them to the attorneys. Attorneys will receive a notification via email from FOIAStar. (b) (5)

[REDACTED]

II. Background

- a. **Process:** Attorneys request or retrieve the request background information and upload the background in FOIAStar.
 - i. Some components, such as EOIR, email all background documents to an OIP point of contact. For others, attorneys need to email the component point of contact (see component folders for contact information).
 - ii. (b) (5)
- b. **Contents:** The background information needed depends on the appeal at issue, but generally includes (1) the request and supplemental correspondence from the requester (2) the component's response letter and any other correspondence (3) processing and search notes/slips, and (4) responsive records.
 - i. Other background information may include: (1) Certification of Identity or DOJ-361 form¹ (2) acknowledgment letter (3) expedited processing determination (4) correspondence pertaining to referrals, coordination, and/or consultations (5) emails related to the request, and (6) fee correspondence to and from the requester.
 - ii. **TIP:** If the component only sends the attorney a redacted version of responsive records, the attorney will need to request an original or "see-through" copy.
- c. **Order:** Order the background as follows and add bookmarks for each item (see below). Please note that components will occasionally provide background with their own bookmarks; please edit the bookmarks and delete extra bookmarks for ease of review.
 - i. Request
 1. Supplemental correspondence
 2. DOJ-361 form
 - ii. Acknowledgment Letters
 - iii. Response Letter(s) – label with date if there are multiple letters
 - iv. Search notes (if at issue)
 - v. Responsive records (if at issue)
 - vi. Appeal

¹ https://www.justice.gov/ust/file/doj361_form.pdf/download

- vii. Email correspondence between the Appeals Team and the component

III. Review Background

a. Preliminary Considerations:

i. Timeliness:

1. 90 days - Check the postmark date on the envelope or the date the appeal was electronically transmitted to OIP. 5 U.S.C. § 552, and 28 C.F.R. § 16.8(a) (2021). If it was mailed and there is no postmark date, check to see if the appeal letter itself was dated beyond the period to appeal.
2. Attorneys must check that the component's response letter provided proper administrative appeal rights.
3. Misdirected appeals: If the requester sends the appeal to the wrong place, that office has no obligation to forward it to OIP, but if it does, use the date it was received by that office (rather than the date the appeal was received by OIP) as the received date to determine timeliness. If another agency forwards OIP an appeal, then use the date that OIP received the appeal to determine timeliness.
4. If an appeal is duplicative of an appeal that has already been adjudicated as untimely, generally close the later appeal out as a duplicative appeal.
5. Interim Responses & Fee Determinations
 - a. While agencies should provide the opportunity to appeal each interim response, the requester does not lose the ability to raise an issue from an earlier interim response if he or she does not appeal at that time. After the final determination is made on a request, the requester should have ninety days to file an appeal on any aspect of that request. See [Office of Information Policy | OIP Guidance: Adjudicating Administrative Appeals Under the FOIA \(justice.gov\)](#)
 - b. Similarly, fee determinations can be appealed at any time up to 90 days after an agency's final determination.
6. Calculating timeliness:
 - a. Outlook - Outlook can be used to calculate the number of days between the issuance of a component's final response and the date the appeal was received by OIP. For example, if a component's letter is dated August 1, 2022, open the calendar in Outlook and double click on August 1, 2022. That pulls up an "event" window where you can enter an end date for the event. For the end date, you can delete the date and enter the following text: "90 days." Hit

the enter key, and it will show the date that is 90 days from August 1, 2022 (October 30, 2022). Using that date, you can determine whether the appeal is untimely. For example, if the appeal letter was postmarked November 2, 2022 that would be three days late, because October 31st is day 91, November 1st is day 92, and November 2 is day 93.

- b. [Date Calculator](#) – This is another resource to calculate timeliness.

ii. Duplicate Appeal: Attorneys can search by the request number in FOIAStar to see if the requester has previously appealed the component's determination on that request number. If an attorney (Attorney A) discovers that they have been assigned an appeal with a higher appeal number that is duplicative of an open appeal assigned to a different attorney (Attorney B), generally that appeal should be reassigned to Attorney B. Attorney A should discuss with Attorney B and inform the Associate Chief handling appeal assignments. When handling a duplicate appeal with the original appeal in one blitz, please make sure you are mentioning that the duplicate appeal is being closed in both the blitz and the appeal response letter.

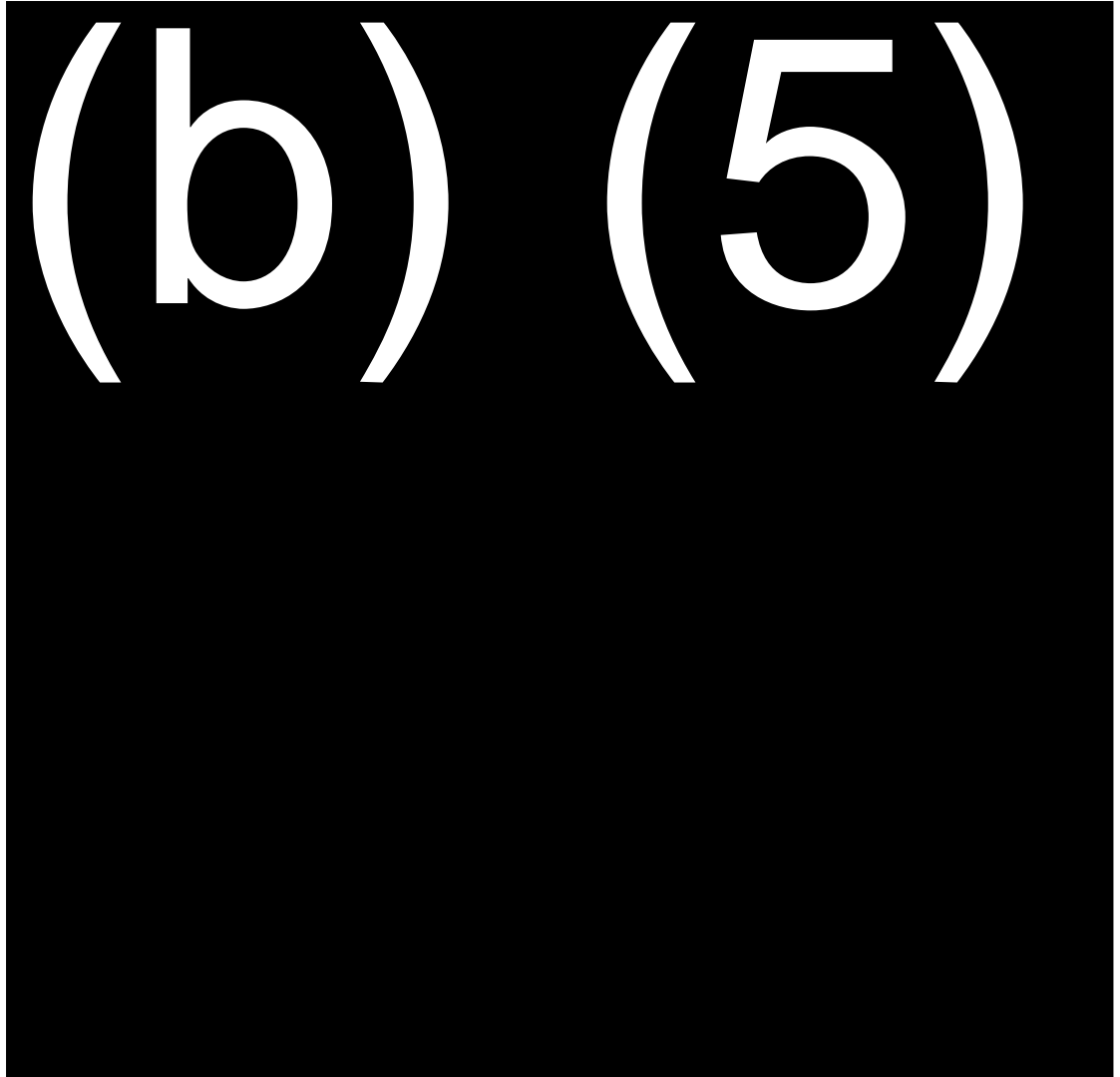
iii. Submitting Multiple Appeals Together:

1. Generally, when you are handling multiple appeals in one blitz, please include the same note for each appeal you are submitting together. For example, if you are submitting 4 appeals in one blitz, please do not make the note for Appeal 1 “Affirm” and then the notes for Appeals 2-4 “close with Appeal 1.”
2. Please make the tasks “[Disposition]; review Appeals 1, 2, 3, & 4 together” for each appeal you are submitting in the batch. Additionally, when naming the response letter and blitzes for these, please include all the appeal numbers that are being closed together in the name. For example, it should be “A-2024-Appeal 1, Appeal 2, Appeal 3, Appeal 4_Response letter” (for Appeal 2, 3, etc., the name can just list the last five digits of the appeal – ex. -00001) rather than “A-2024-Appeal 1_Response letter”.
3. Please make sure you are including a dummy blitz and response letter (and remand memo if applicable) for each of the batched appeals.
4. Please also refer to *FOIAStar User Friendly Guide, Section IV*

iv. Third-Party Requests: While not required, check whether the component received a privacy waiver from the subject of the request.

v. First-Party Requests: Check that the requester submitted a DOJ-361 form or signed the request under penalty of perjury or by notary signature. See 28 C.F.R. § 16.41(d).

- b. **Background Review:** Review all relevant background materials.
- i. **Scope of Appeal:** Pay close attention to the scope of the appeal and limit the discussion to the relevant issues on appeal.
 1. **Adverse Determinations:** Here are some examples of "adverse determinations" which may be appealed: (1) withholdings (2) adequacy of the component's search, including that the records do not exist, cannot be located, or have been destroyed (3) the request does not reasonably describe the records sought (4) the information requested is not subject to the FOIA (5) the requested records are not readily reproducible in the form or format sought by the requester (6) denials involving fees or fee waiver matters (7) track designation and (8) denials of requests for expedited processing. See 28 C.F.R. § 16.6(c).
 - ii. **Failure Appeal:** If the component is in receipt of the request, determine if the component has responded to the request. If not, obtain an estimated date of completion (if requested in the appeal).



(b) (5)

iv. **Communicate with the Component** (as needed):

1. Some components have email addresses designated for appeal questions; for other components, the attorney may need to ask the background contact person who to contact about any questions.
2. Before reaching out to the component with questions, consider whether the withholding is addressed by caselaw or component-specific training materials.
3. Upload any correspondence into the background material in FOIAStar. Memorialize any phone conversations in writing, and make sure to upload notes.
4. Remands due to non-response: If the component is not responding to your questions by email, please try to call the component as well. (b) (5)

Please document your communication attempts in the blitz and remand memo (if applicable).

IV. **Draft Blitz** (see “**Sample Blitz**” under **Appeals Staff SOP**)

- i. **Type:** Use the fee blitz if the appeal concerns fee issues and the general blitz form for all other types of appeals.
- ii. **Sections:**
 1. **Request:** Discuss any relevant information concerning the request, including any modifications made to the scope by the requester. Please note if the component opened up other request numbers to handle various topics in the request.
 2. **Agency Response:** Succinctly state the nature and date of agency response(s) (for example, full denial, partial release, etc.). Make sure to note the page counts of any records released in full (RIF), released in part (RIP), withheld in full (WIF), and referred. Also, note the FOIA exemptions relied upon, and the PA exemption invoked (if applicable).
 3. **Coordination:**
 - a. Flag if the request is part of a Coordination that OIP or another office is handling (see Wiki page for a list of current Coordinations)
 - b. If it’s unclear whether the request is part of a Coordination, please reach out to the Coordination contact to confirm (but the attorney does not need to run the recommendation through the Coordination)

- c. The final signer will send the recommendation through the Coordination
4. **Appeal:** Include the date of appeal. Check for timeliness and fee issues.
- a. **Arguments on Appeal:** Succinctly summarize the nature and scope of the administrative appeal.
 - b. **Discussion:** This section contains the legal analysis of issues raised on appeal along with proposed recommendations.
 - i. It may be helpful to include any relevant administrative background such as prior remands, as well as factual research/links to provide context.
 - ii. Search: Be detailed in the blitz form about the search. The reviewer should be able to tell where the component searched, how they searched, and what they searched for without needing to review the background. Provide a recommendation on whether the search was reasonable and adequate.
 - iii. Withholdings: If drafting a blitz form when multiple exemptions are at play, list the withholdings category-by-category, e.g., Exemption 5 withholdings, Exemptions 6/7C withholdings (do not discuss withholdings page-by-page). Be descriptive about what information was withheld or redacted. Provide a recommendation on whether the exemptions were properly applied.
 - iv. If the component emails relevant information or answers to questions, be sure to note that in the blitz (and upload the correspondence into the background in FOIAStar).
 - c. **Recommendation:**
 - i. **Affirm** (could be on partly modified grounds ("PMG") or modified grounds ("MG"))
 - ii. **Partly Affirmed, Partly Remanded**
 - 1. Partial affirmations: The attorney should recommend that OIP affirm everything that is proper and try to limit remands to specific issues. For example, the attorney may affirm the search and certain withholdings, but remand for further consideration of the Exemption 7(E) withholdings.
 - iii. **Supplemental releases:**
 - 1. If responsive records (additional records or new records found after a no records

response) are located by a component while the appeal is pending, it may be beneficial for OIP to send a supplemental release of these records directly to the requester rather than remanding the appeal back to the component for further processing. Supplemental releases are preferred for full releases, or releases with minimal, straightforward redactions, that are ten pages or less.

2. OIP may also provide a supplemental release of responsive records that were previously processed by the component if additional releases can be made on appeal.
3. TIPS:
 - a. Make sure that the attorney uploads the supplemental release in FOIAStar (Document Type: Enclosure)
 - b. Blitz forms need to discuss any withholdings and the releasability of the supplemental release.
 - c. Make sure that the administrative record for the appeal has confirmation from the component that OIP can make the supplemental release.

iv. **Complete Remand**

1. An appeal may be remanded in full to the component.
2. "Soft" remands: If the requester sends in additional information (i.e., a DOJ-361 or proof of death) on appeal, OIP can let the component know that the request will be remanded due to this additional information (and not as a result of a component error).

v. **Close for Other Reason** (i.e., untimely, moot)

iii. TIPS

1. Save the blitz often.
2. On handback, do not delete the original discussion section, the recommendation, or any reviewer comments.
3. Do not bold items in the blitz. Reviewers will bold items on review.
4. If recommending that OIP affirm on MG or PMG, or remand in full or in part, explain the rationale to the component. Make a note in blitz that the recommended change or remand was discussed

with the component, and note if there were no concerns. Upload any relevant correspondence to FOIAStar.

- V. **Draft Appeal Response Letter:** See below for formatting and other considerations.
- VI. **Draft Remand Memo** (if needed)
- VII. **Checks:** Check that the blitz form, appeal response letter, remand memo (if applicable), all email correspondence, background and any attachments or supplemental releases to the requester have been uploaded in FOIAStar.
- VIII. **Submit Appeal to the Reviewer**
 - a. Consult the "Appeal Review Structure" document on the OIP – Administrative Appeals Staff Wiki on Teams.
 - b. See the "FOIAStar" subfolder for additional instructions.
 - c. In the "Appeal" tab, change the track to "Simple" or "Complex" (see below for Simple v. Complex designation)
 - d. In the "Event" tab, indicate if this appeal is a priority (i.e., 7(A) appeals). In the "Note" tab of FOIAStar, make a note of the issues on appeal for the reviewer.
- IX. **Handbacks**
 - a. If the reviewer "hands back" an appeal, fill out the "Attorney Follow-Up to Reviewer Comments" section in the blitz form and communicate with the reviewer and component as needed. Revise the response letter if needed.
 - b. The attorney should delete any remand memo if the recommendation is changed from a remand to an affirmance.

Appeal Response Letter Content & Formatting

- I. **Letter Creation in FOIAStar:** In the "Document" tab, select "Administrative Denial or Closing," "Affirmance" or "Full Remand."
 - a. Selecting the correct template is important as the letter closing paragraphs differ.
 - b. Name the Appeal Response letter "Appeal No. XXXXX_Response_Letter."
 - c. See FOIAStar folder for additional instructions.
- II. **Address and "Re" Portions:** FOIAStar auto-populates the address, but the address portion usually needs to be edited.
 - a. Check that the spelling of the requester's name is correct.
 - b. Check that the appeal number and request number are correct. If there are multiple request numbers or appeal numbers, use "Request Nos." or "Appeal Nos." as necessary and place commas in between the numbers until the second to the last, then use an ampersand (&).
 - c. Omit the courtesy title in the address and salutation. Do not use "Mr." or "Ms."
 - i. OIP does not use gender pronouns in formal correspondence. Refer to the "requester" or "your client" rather than "he/him" or "she/her."
 - ii. Gender-neutral titles such as "Dr." can be used.
 - d. If the appeal is addressed to an attorney, use "Esq." after the name.

- i. TIP: Use "attorney/client" language throughout the response letter if it applies.
- e. "Suite" and "Apartment" should be spelled out and on its own separate line after the requester's name. This goes above the street address.
- f. "Post Office Box" should be spelled out.
- g. Spell out "south" "north" "east" or "west" in the street name. On the other hand, if there is a "northwest," etc., that is fine to abbreviate.
 - i. Example: 125 West Palm Street (not 125 W. Palm Street)
 - ii. Example: 1425 New York Avenue, NW
- h. For long law firm or organization names, use two lines with the second line indented two spaces.
- i. Ensure there are two spaces between the zip code and state abbreviation.
- j. If the appeal includes an email address, include the email address below the address block.
- k. Inmates:
 - i. For federal prisoners use "Register No. XXXXX-XXX" directly after the requester/inmate's name.
 - 1. Check that the inmate is still located at that facility using the inmate locator and indicate this in the blitz form.
 - ii. For inmates in state or local penitentiaries, designate their inmate number as follows: "No. XXXXXX."
 - iii. Write out the federal inmate's facility and post office box as such:
Federal Correctional Institution [or United States Penitentiary or other]
Post Office Box 1000
 - 1. **TIP:** Acknowledgment letters do not use this format

III. "VIA" and "Dear" Section

- a. "VIA" Section
 - i. Options: [U.S. Mail/Email/Online Portal]
 - 1. If the appeal was received via online portal, under the appeal information section (Appeal Tab), look under receipt method and it will say "Electronic."
 - 2. Reply by email if the email address was included in the appeal (even if appeal was sent via regular mail). Please make sure the delivery method on the Appeals screen is changed and add the email address as well.
- b. "Dear" Section
 - i. Check that the requester's name is spelled correctly.
 - ii. Do not use "Mr.," "Ms.," or "Mrs." The attorney may use gender neutral titles such as "Dr."
 - iii. Do not use "Esq." in the "Dear [Requester Name]" section of the letter.

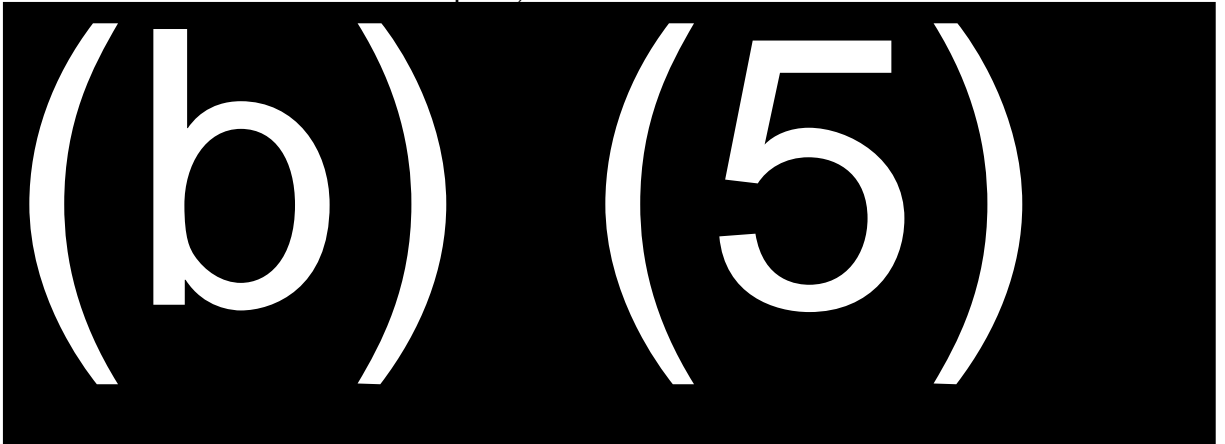
IV. Spacing

- a. There should be a single line between the address block and "VIA."
- b. There should be a single line between "VIA" and "Dear."

- c. There should be a single line between the last paragraph of letter and "Sincerely."

V. **Body of the Letter**

- a. Structure for basic affirm/remand letters:
 - i. Introductory paragraph ("Attorney appealed from the action of...")
 - ii. "After carefully considering [I am affirming or remanding]"
 - 1. Note: This language will not be its own paragraph but will precede whatever comes next to the second paragraph.
 - 2. **TIPS:**
 - a. Note if OIP is affirming in part/remanding in part.
 - b. Note if OIP is affirming on partly modified grounds.
 - iii. Remand language (if applicable)
 - iv. PA Language (if applicable)
 - v. Exemption Affirmation Introductory Paragraph ("The FOIA provides for")
 - vi. FOIA Exemptions
 - vii. Other issues such as search adequacy
 - viii. Closing paragraphs (these auto-populate in FOIAStar based on the template selected; if OIP is affirming in part and remanding in part, select the "Affirmance" template)



- d. Use curly quotes (rather than straight quotes)
 - i. In Word, (1) click on the file tab (2) select options on the left side (3) in the pop-up box, select proofing (4) click the autocorrect options button at the top (5) select the straight quotes with smart quotes box (6) click the OK button at the bottom (7) go to the AutoFormat tab and select there as well (8) click the OK button at the bottom.
- e. When describing the subject of the request in the introductory paragraph, the attorney should use the requester's words as much as possible.
- f. The attorney should specify the scope of the appeal in the introductory paragraph. For example, "I note that your appeal concerns the withholdings made by [the component]."
- g. When OIP is affirming a FOIA exemption, please make sure to include the "Exemption Affirmation Introductory Paragraph."

- h. Make sure that the component name or abbreviation is correct throughout the letter. For the introductory paragraph, write out the component name as seen in the appeals language database.
 - i. **TIPS:**
 - 1. The incorrect component name may auto-populate in FOIAStar.
 - 2. Remove unnecessary bolding.
 - i. If attorney "for client," language is needed, check every paragraph for that language.
 - j. Only spell out Freedom of Information Act the first time it is used.
 - k. No dangling:
 - i. 5 or § should not end a line
 - ii. The month should not end a line if it is followed by the day and year. The month can end a line if it is followed by just the year.
 - iii. Move at least two lines of text to the next page if only the signature block falls on that page.
 - l. Check the spacing.
 - m. Follow Rule 6.2 of The Bluebook, which generally provides for spelling out only the numbers zero through ninety-nine, but otherwise use numerals (i.e., 101, 589, etc.).
 - n. Remanding/partial remands: In general, where feasible, and where it would not cause harm to do so, provide some detail about what is being remanded. If a remand is not limited to one exemption, then tell the requester how many pages are subject to the remand (again, if feasible and if no harm would be caused).
 - o. Ensure consistency when providing phone numbers ((703) 999-9999)).
 - p. Signature box
 - i. Select the final reviewer and delete other names and titles.
 - ii. If there is an enclosure/attachment, note "Enclosure" after the signature box (space 2 lines below the signature box).
 - q. Final checks
 - i. Is it a 1st party request? Does the response letter need to affirm on PMG and add in J2 or another Privacy Act exemption?
 - ii. (b) (5) [REDACTED]
 - iii. Did the attorney provide additional language to explain the search adequacy where needed?
 - iv. Did the attorney add the foreseeable harm language if exemptions are being affirmed?
 - v. Did the attorney provide the correct closing paragraphs?
 - vi. (b) (5) [REDACTED]

VI. Enclosures

- a. Certain responses will have an enclosure. Examples include, but are not limited to, a component's response letter, Form DOJ-361, and supplemental releases. Please name the Enclosure in FOIAStar as "Appeal No. XXXXX_Enclosure"

Remand Memo Content & Formatting

- I. In the Document Tab of FOIAStar, select "Letter Generation" and "Remand Memo" under "Letter Template."
 - a. There is additional guidance in the FOIAStar folder.
- II. Name the document as "Appeal No. XXXXX_Remand_Memo."
- III. "To" Field – Use the contact person located within each component subfolder.
- IV. Check that the requester's name and request and appeal numbers are correct and add the subject.
- V. Generally, edit the first line to "At this time, please reopen the file and perform the following action(s), subject to any applicable fees."

VI.



- VII. In the last paragraph, add your name and the name of the FOIA analyst or attorney with whom you discussed the remand.

Simple v. Complex Appeals

Simple

- Untimely
- Duplicate (if not attached to a complex appeal)
- Not a FOIA matter
- Failure
- Moot
- Improper request
- Component has no record of the request
- Request in litigation
- Misdirected request
- Request or appeal withdrawn
- B7A Affirmances
- 6/7C Glomar and Categorical Denials (if balancing is close, then complex)

Complex

Fee and fee waiver issues (if moot because component will not assess fees, then simple)

Complex (a number of exemptions), novel, or relatively untested withholdings

Any appeal with multiple issues at play

Privacy Act Issues (not straightforward application of J2)

Depends

Full remands

Search issues (often straightforward “search” appeals are simple)

Request not reasonably described

Not an agency record

Common Types of Appeal Dispositions

- **No Records** (where records cannot be located)
- **Responsive Records Destroyed or Transferred to NARA**
- **Adequate Search** (requester appeals the search adequacy where the agency located some records)
- **Untimely Appeal**
- **No Component Response to Adjudicate** (component has not yet issued its final response or "moot" since component has since responded).
- **Improper Request or Appeal** (no certification of identity, plea agreement prohibits FOIA request, appellant lacks standing to appeal, etc.)
- **Records Already Released** (a.k.a. "Moot")
- **Component Has No Record of Request**
- **Duplicate Request or Appeal**
- **Request Not Reasonably Described**
- **Unreasonably Burdensome Search**
- **Not an Agency Record**
- **Appeal Based Solely on Denial of Expedited Processing**
- **Fee-Related Reason**
- **Request in Litigation**
- **Records Referred to Another Agency or Component**
- **Request Withdrawn**
- **Not a FOIA Appeal Matter**
- **Cannot Locate Requester on Appeal**
- **Records Under Court Seal**



Department of Justice
Office of Information Policy
Compliance Team Handbook

Last Updated August 2021

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Section 1 – Welcome

History, Goals, & Office Culture

The Compliance Team within the Office of Information Policy was established in 2014 with the goal of ensuring accurate federal agency reporting, implementing new technologies, and focusing on Director-directed special projects necessary to encourage agency compliance with the FOIA. The team is led by a team lead, the Chief of Compliance. Three staff attorneys and the office's Training Coordinator round out the team.

OIP Compliance wants to be known for:

- Well-roundedness including a broad yet deep level of subject-matter expertise in all FOIA topics
- Customer service and approachability
- Accuracy of data, work products, and advice rendered

Handbook Purpose

This Handbook has been prepared to inform Compliance staff of the policies and procedures of this team. It is not all-inclusive; rather, it offers a broad overview of the work duties, responsibilities, and reoccurring processes undertaken by team members.

Section 2 – Training & Outreach

Training

OIP hosts regular FOIA training for agency FOIA professionals throughout the year. These trainings have historically been hosted in person, though we now host virtual trainings. OIP staff are the primary instructors at the trainings. Occasionally, FOIA professionals from other agencies may teach at the trainings as well.

Registration

The Training Coordinator keeps track of training session attendees. The number of people permitted to register depends on which format is used. If the training is in-person, registrations are capped depending on the location.

For all courses at 2Con, we can fit up to 200 attendees depending on room set-up.

- We typically use the main conference room on the first floor.
- Currently, we usually fit 120 attendees with tables.
- Set up is a 4x3 grid of tables with 6 seats at each table, 6 additional rows of 7 chairs (4 rows behind the columns of tables, 2 rows on either side of the room)
- For the 2-day, set up for 120 is:
 - o Main room – 3x3 grid of tables with 6 seats at each table, 9 additional rows of 7 chairs (7 rows behind the columns of tables, 2 rows on either side of the room)

- o Side room – 2x4 grid of tables with 6 seats each, additional 25 chairs in room spread out around the room)

For all courses at GAO we can fit up to 175 attendees.

For all virtual training, up to 250 can attend on a WebEx Call.

Event Creation & Preliminary Logistics

Before scheduling training, create a new folder in the [Training folder](#) using the month and year as a title for each event. Within this new folder, also include a folder titled “Attendee Packet” which is where you will save the materials you send directly to attendees (such as versions of the slides without presentation notes).

Agendas and Training Materials

Agendas should be created at least three weeks before the event and cleared by the Chief of Compliance. Provide instructor recommendations at that time. Examples of agendas for 2-day and 1-day events can be found in the event folders at [G:\Oip\Training\Courses and Events](#). Confirm teachers once agenda is set and work with teachers to identify substitutes if necessary. Contact outside teachers as soon as possible. A list of instructors can be found in OIP’s Training folder. Ask for training materials to be provided by instructors 2 weeks out from date of event. If the instructor has substantive edits to the most recent cleared version of the slides, these must be cleared by the Compliance Chief and Director. Once the training materials are available on OIP’s Training page we will direct all attendees to page to print the materials for the course. Send out the agenda and all logistics at least a week before the event. Be sure to monitor emails in the DOJ.OIP.FOIA shared Outlook box to see if there are any bounce backs due to file size or incorrect email address(es). Make edits as needed.

Evaluation Forms

Create an Evaluation Form for each event. Examples of forms for 2-day and 1-day events can be found in the event folders at [G:\Oip\Training\Courses and Events](#). For virtual events the evaluation form can be found in the [Virtual Trainings](#) folder. Print off additional copies of the agenda and evaluation forms to bring to the event.

Points of Contact

Send room set-up information and Audio/Visual (A/V) requests to JMD points of contact one week prior to the event. For all JMD A/V, send all requests to David Gerritzen, (b)(6). Courtesy copy supervisor Arlene Louton-Brown, (b)(6). For room set-up at 2Con, the point of contact as of July 2021 is Evie Sassok with JMD.

Administrative Checklist – One Week Prior

For all events:

- Print off additional copies of the agenda and evaluation forms to bring to the events.
- Bring additional day of signs (reserved, bathroom, sign in sheets) along with extra copies of the evaluation forms and agendas.

- Create a “Full Deck” of slides and save to laptop. Remember that if we are having the 2 Day training, you may need to bring 2 laptops if we will have multiple classes going on at the same time. Be sure to create a full deck for each room being used.
- Be sure to include a title slide for the event and break slides at designated breaks in the agenda/between lectures.
- As soon as possible prior to the start of the event, send copies of agendas to OIP's front desk staff so that they have copies in case there are calls about the event

When the event is being held at GAO:

- We will need to make name tags for all guests.
- Coordinate with the Supervisory Administrative Specialist so that Admin can assist with signing in guests; someone from OIP will have to sit at the desk on the H Street entrance and sign in all guests before the training starts.
- We need to have coverage ready to sign in guests 30 minutes prior to the start time. GAO will not allow anyone in until we have coverage.
- We will need to contact IT support and request a loaner laptop one week in advance of the training to use for the day; DOJ laptops do not work in the GAO auditorium.
- Email slides to GAO's IT staff. The point of contact for is Anthony Brown, (b)(6)

Administrative Check List – Day Prior Logistics

Building Access Requests

For events hosted at DOJ buildings, send list of attendees to DOJ security at least 2 business days before an event. The point of contact is Emanuel Oliver, (b)(6)

For events held at GAO, you will need to send the attendee list to Larry Wilbanks, (b)(6) and Donti Hardy, (b)(6). Be sure to include any non-DOJ presenters on this list so that they can get into the building efficiently.

Administrative Check List - Day of Logistics

When the event is being held at GAO:

- At GAO we will need to send them a list of attendee 24 hours before the event.
- Ensure Security knows who to call if they have questions about people coming in (provide Training Coordinator's number or another point of contact).
- For events at GAO, we should have coverage ready to sign in guest 30 minutes prior to the start time (GAO will not allow anyone in until we have coverage).
- During lunch, we will need to have someone go back to the H street entrance at the lunch break. All guest that leave the building will have to get signed back in.
- Expect attendees to begin arriving at least 1 hour early, regardless of any timing provided online or in confirmation email.

When the event is being held at 2Con:

- Ensure Security knows who to call if they have questions about people coming in (provide Training Coordinator's number or another point of contact).

- For events starting at 9 AM, arrive at 2Con (or event space) by 7:30 AM to check the room and ensure the A/V is set-up. For events that begin after 9 AM, arrive at event space at least 1.5 hours early for same routine.
- Expect attendees to begin arriving at least 1 hour early, regardless of any timing provided online or in confirmation email.
- At 2Con, we don't need to sign people in because they have to go through security, and security is close to the conference space; at Main, this is more difficult as the visitor's entrance is away from the Great Hall and will require more time.

Training Announcements

Prior to the first lecture for full-day training events, go through the following announcements:

- Welcome and introduction of who you are (and whoever will be available from OIP during the training)
- Location of Restrooms
- Availability of Wi-Fi (at 2Con and Main; note there is no Wi-Fi at GAO)
- Availability of refreshments (at 2Con, location of vending machines; at Main and GAO, location of cafeteria)
- Introduction of first presenter
- Depending on flow of the training event, intros of the next lecture might need to be done
- Announcements signaling the end of breaks will also need to be done

At lunch break, if in 2CON, let attendees know that they can leave materials in the room if they are comfortable because someone remains in the room the entire time during lunch. If at the GAO Building, let attendees know that there may not be someone in the room at all times. They may want to take their belongings with them (if applicable).

Immediately prior to the end of the event

- Remind attendees to return evaluation forms or email to us.
- Be prepared to take a list of names of individuals who will need letters certifying attendance at event.
- Don't leave until the last attendee has left.

After the Event

- Within one week, circulate evaluation forms to managers.
- Review evaluations for any common themes to address prior to next training event, if possible.

Events

Calendars & Files

Various events need to be scheduled each year: external trainings, internal trainings, conferences, meetings, and workshops, among others. A full list of events requiring annual scheduling is available in the Excel file titled "Master Calendar Tracking" in the sheet titled "Yearly Schedule and Strategic" located at <G:\Oip\Training>. Scheduling includes, creating and calendaring activities in Outlook, navigating numerous IT platforms, sending email reminders, setting reporting deadlines, and coordinating with placeholders to schedule meetings or events.

When looking to schedule yearly events, first come up with the list of events that need to be held and some options for dates for each event as a preliminary schedule. The OIP Training Coordinator will draft up the yearly training schedule and provide to the Compliance Team Chief for preliminary review. Once a preliminary schedule is in place, the Compliance Team Chief will run through the dates with OIP's Director. Once the anticipated schedule is confirmed, room request forms need to be submitted to Justice Management Division (JMD) for each event so that the schedule is added to the appropriate calendar. For example, if an event is to be held at 2Con, administration will need to add it to the master 2Con calendar.

Once Yearly Training Events are set, start dates for registration will need to be determined. Additionally, training needs to be added to various calendars and part of OIP's website:

- Once confirmed, dates for schedule also need to be added to OIP's Strategic Event Calendar in Outlook and 'Master Calendar Tracking' file in the G: drive
- OIP leadership and administrative managers with editorial access to the Strategic Calendar will need to add it to the actual calendar
- When adding to the strategic calendar, CC the OIP Director so that these items also appear on his/her personal calendar
- Dates of Yearly Training Events and Best Practices Workshops will need to be added to their respective pages on OIP's website and Event Boxes in Drupal
 - Josh is responsible for updating the [Training](#) page and [Key Dates](#)
 - Nakeitha is responsible for adding the "Events" to populate the event boxes on the main page.
 - See Event Boxes, below, for instructions on how to create and add information to these sites.

Events Held in DOJ Buildings

EVENTS SCHEDULED FOR 2CON ROOMS SHOULD BE RESERVED AT THE BEGINNING OF AUGUST EACH YEAR

Any non-OIP room reservations need to be submitted to JMD, but you can check availability for all DOJ conference rooms through Outlook.

- Search for the individual room number in Outlook
- Add the individual room number as a shared calendar in your personal Outlook
- For events needing to be scheduled after the initial calendaring is completed in August, look at the specific 2CON room Outlook calendar to determine room availability for that specific room
 - Note: We typically only use rooms on the first floor

Events Held in the GAO Building

EVENTS SCHEDULED FOR THE GAO AUDITORIUM SHOULD BE RESERVED AT THE BEGINNING OF AUGUST EACH YEAR

Once a tentative event date is confirmed, an email needs to be sent to Betty Mobley, (b)(6), to confirm that the GAO Auditorium is available.

Virtual Training Events

Once dates are confirmed, they will need to be added in Eventbrite by the Training Coordinator. The Training Coordinator will also set up the WebEx event. Currently, Nakeitha, Sean, and Priscilla have WebEx accounts with the ability to set up WebEx events.

Coordination of Outside Requests

We often receive requests for OIP to participate in external events. Outside organizations requesting OIP participation should be directed to the main DOJ.OIP.FOIA mailbox for coordination. Any requests that come through other channels should be forwarded to the DOJ.OIP.FOIA mailbox and this mailbox should be used for correspondence on behalf of the office. However, requests can go directly to individuals; in most cases it is requested that these direct requests still be directed to Training Coordinator. When these requests arrive, they are evaluated for our potential participation. For everything that comes in, the request is run by Chief of Compliance and potential dates (if provided) are checked against the existing calendar. We generally try to say "yes" to all events but need to be careful about non-agency requests as there are additional logistics that need to be coordinated (such as ethics waivers).

Common Questions to Ask Prior to Confirmation

- What type of participation is being requested?
- What type of event is it?
- What is the audience?
- Where is the event?
- Who else is participating?
- How many people would they like to have participate from OIP?
- What is the date of the event (if known) or what is the desired time frame for the event (if date is not known)?
- If an event request requires travel, additional questions will need to be asked:
 - Can the agency pay for travel? (This is only a government-agency question; if a non-government organization is the one requesting, consult with OIP's ethics official about how to respond.)
 - How many days are required to be on site?
 - What is the audience size?

When to Direct People to OIP Training

There are times when an agency requests training and they could be better served by attending one of our regularly scheduled trainings. If a D.C.-based office is asking for training, that essentially is one of our normal trainings. However, if a non-D.C.-based office is asking for training for a small group or some limited topics, it doesn't make sense to direct to our external events. Other examples of when internal training may be best for an agency include: If a D.C.-based office is seeking a number of specialized topics that we would not normally present; if a D.C.-based office is looking to train a large number of people; if

an agency is looking provide the training through a virtual instance to agency personnel not in D.C.; if a non-DC based office is asking for training for a large number of people.

Confirmation

Chief of Compliance (or Director/COS) will provide the sign off if we wish to participate. If we are participating, we will need to communicate this back to the requesting organization and request additional details, including:

- Specific date and time (including how long our participation is)
- Location
- Any materials that will need to be provided and by when, and
- Any travel information

Once confirmed, the event will need to be added to the Strategic Calendar in Outlook, the “Master Tracking Spreadsheet,” and the “Training, Meeting, and Event Requests Tracking.” See *Calendars and Files* section for instructions on how to use those calendars and files. As explained previously, when an event is confirmed, training materials created for the event should be saved in the Training Folder at <G:\Oip\Training> in a designated folder.

Foreign Delegation Requests

Requests to meet with foreign delegations will generally come through International Visitor Leadership Program (IVLP) and be sent directly to the Training Coordinator. We will generally accept all these meetings. The date and time need to be approved by Chief of Compliance, and then she will generally coordinate with OIP team leads to determine who can meet with the delegation (if not Director of OIP). Confirmation to IVLP does not need to wait on designation of OIP personnel who will be meeting with the delegation. Chief of Compliance will assign a Compliance Team member to draft a briefing document on that country. Briefings should be saved at <G:\Oip\Briefing Book and International Materials>.

Once confirmed, the event will need to be added to the Strategic Calendar in Outlook, the “Master Tracking Spreadsheet,” and the “Training, Meeting, and Event Requests Tracking.” See *Calendars and Files* section for instructions on how to use those calendars and files. We traditionally wait on to make an online event invitation until individuals have been designated to meet with the delegation.

Strategic Calendar

When an event is confirmed or scheduled, the event should be added by the Training Coordinator to the Strategic Calendar in Outlook and the spreadsheet titled “Master Calendar Tracking” located at <G:\Oip\Training>. To add anything to this calendar in Outlook, individual must have editor rights.

The “Master Calendar Tracking” spreadsheet contains additional details regarding each event for easy access and reference. For each event, see the columns at the top of the additional details that need to be captured.

There are differences between creating Internal Events versus External Events on the Calendar:

Internal Events

- All "OIP" events (yearly training, Virtual training, etc.) are generally added as an event with the location and time details included.
- If they are involved, the OIP Director and Chief of Staff like to have these events created as "meeting invites" sent to their personal accounts so that these events appear on their personal calendars.
- Additional details can be added as necessary.

External Events

- For any event that OIP is not sponsoring, additional details need to be added because we do not handle all the logistics and there is generally less awareness for individuals involved when it is not a whole office effort. This includes any training events at the request of another agency, keynote addresses, training outside of the local commuting area, foreign delegation requests, etc.
- Any event added to the strategic calendar that is not put on by OIP needs to be created as a meeting invite for the OIP individuals who are participating. In each meeting invite, in addition to the title, time, and location information that are standard fields with the event, the following information needs to be input in the free text field:
 - Instructors (names or initials),
 - Topics Being Covered (can be listed or an agenda can be added)
 - Location
 - Actual Time of Lectures (meeting invite can be created to start an earlier time so that travel time is included, this where the actual lecture time should be added),
 - Travel Instructions and Logistics,
 - Any presentation materials (agenda, slides, etc.),
 - Onsite POC, and
 - Any special information or instructions

Having this information listed on the meeting invite ensures that instructors can pull all relevant information from their own calendar to the event.

At least once a month and at the end of each fiscal year, the Outlook calendar should be reviewed against the "Master Calendar Tracking" spreadsheet to ensure that all events that were participated are captured for reference purposes. Additionally, any cancelled event or declined event should be added to the sheet titled "Declined or Cancelled Events" in the "Master Calendar Tracking" file so that it is easy to reference what we did not accept to participate in or if something was cancelled and why.

Sunshine Week

For a Harper's Weekly article published in 1913, American attorney and associate Supreme Court Justice Louis Brandeis wrote, "Sunlight is said to be the best of disinfectants." This concept has subsequently been construed to signify the importance of transparency (i.e. "sunshine"), across all levels of the government. To encourage such transparency and accountability efforts, the American Society of News Editors first organized Sunshine Week in 2015 as a national, non-partisan effort to highlight the critical role of open government and

freedom of information at the local, state, and federal levels. The weeklong celebration is traditionally held every March to coincide with the birthday (March 16th) of James Madison, the "father of the U.S. Constitution" and a key advocate of the Bill of Rights. Sunshine Week is traditionally marked by panel discussions, workshops, and other events within the private and public sectors. OIP uses Sunshine Week as an opportunity to celebrate efforts that have been made by various agencies and individuals within the federal government. On behalf of DOJ, OIP hosts an annual DOJ's Sunshine Week Kickoff Event in the Great Hall to acknowledge these efforts. Multiple tasks must be completed for this event.

Sunshine Week Calendaring

Due to the complexity of our Kickoff Event, the reporting season, and the number of events we continue to be asked to participate in each year, it is recommended that no OIP events involving parties outside the Department get scheduled in February. Coordination outside of the Department involves more logistics, requiring more time to put together. Keeping February relatively free allows staff to focus efforts on items heading into Sunshine Week.

- Reserve the Great Hall for the Monday of Sunshine Week in mid-September. The form needed is EAF-430. A copy of it is located on the G: drive: [Event Approval Form](#). When a reservation is more than 4 months in advance of the event, special permission is required to request the use of the space. OIP's Chief of Staff typically signs this document.
- As a part of the "yearly scheduling," a meeting is set by the Compliance Chief for early January to discuss logistics, topics, etc. for the Kickoff Event with the Training Coordinator, Director, and COS (if desired).
- Announcement of Sunshine Week activities should happen by early February at the latest.
 - o FOIAPost
 - o Twitter
- If presenting awards to individuals or agencies, the announcement of event with nomination guidelines should be posted in January.
- Additional events can be held that week, and in the past, we have reserved 2Con for multiple days.
- However, as more and more agencies and organizations have created Sunshine Week programs, interested individuals are not always able to go to events multiple days during that same week.

Day-of at Main Justice

The Compliance Training Coordinator will need to email the Admin Supervisor to get help from Admin staff on the day of the event. Admin Staff set-up outside the AG's entrance. Once the doors are open, the guests will come in and Admin will sign them in. We also need some other OIP staffers standing in the hallway to escort guest to the Great Hall. Any visitors that are not government will need to be escorted from the front door all the way to their seat at the Great Hall. Usually 4-6 staff members is adequate, and they need to spread out to span the hallways at strategic positions.

For the livestream, we coordinate this with PAO. We need to coordinate with the POC at PAO to get the closed captioner set-up in advance of the event. Also, the Training Coordinator will need to make sure that the Great Hall is set-up and that the AV staff is in place and ready to go. Training Officer will also need to escort the Color Guards to the dressing room which is in the Great Hall to your right as you are entering the room. Color Guards will wait in the room until they get the signal to come out.

Director of OIP Presentation

Director's Remarks

A staff attorney will draft the OIP Director's remarks for Chief of Compliance review.

Award Presentation

- Nominations will be submitted to the main OIP mailbox
 - These nominations should be acknowledged upon receipt
- Submissions will need to be reviewed and awardees identified. Compliance Staff does this with final approval from the Director.
- Logistics will need to be set and communicated to awardees
- Award certificates will need to be created. We have a template; these should be printed on cardstock at a print shop.
- Photographer and access to photos (Contact JMD Facilities POC for the Main Hall, Arlene Louton-Brown; she will let us know who the assigned photographer will be because it changes every year). These should be emailed to awardees as soon as feasible after the presentation.

Best Practices Workshops

OIP launched the Best Practices Workshop Series in the spring of 2014 as a part of the Second Open Government National Action Plan's commitment to modernizing FOIA and improving internal agency FOIA processes. Each workshop focuses on a specific FOIA topic, with a panel of representatives sharing experiences, lessons, and strategies for success in these areas. Through these workshops, agencies can continue to learn from one another and leverage the successes of their own organizations for the overall benefit of FOIA administration across the government. Workshops should be scheduled at the same time as the yearly training events so that we can adequately manage the calendar. Keep in mind that:

- Our goal is to schedule at least 2 per year.
- Topics can be proposed by other DOJ component, outside agencies, or other staff and usually approved by the Chief of Compliance and OIP Director.
- Announcements of events can happen all at once or individually, but the announcement should be posted at least 4 weeks prior to the event to allow individuals time to register.
- Speakers are identified through a review of available information (such as reports and websites).
 - We typically need between 2 and 4 speakers per event.
 - When identifying speakers, should always aim to have at least 6 potential individuals (if possible) so that there is flexibility in who we would like to invite and if any desired speakers are ultimately unable to participate.

Briefing Book & International Delegations

OIP leadership and staff meet with foreign officials with some regularity, sometimes from the same country. International travel by OIP's Director tends to require the same type of background reference material on our activities and the history of the FOIA. Briefing book material is available at <G:\OIP\Compliance Staff\Briefing Book and International Materials>. In this folder, write-ups on foreign delegations should be saved for easy reference and access. The file titled "OIP Briefing Book" was created prior to the former Director's trip to Sri Lanka in October 2016 and is the most current version previously used; the Compliance Team SLIP made additional updates in July 2020.

When adding new information to the Word document as a new header:

- Select “Insert”
- Select “Page Break” (at the bottom of the last page of the document)
- Type in a Header title, and under the “Home” tab, in the “Style” section select “Heading 1”
 - This will format the header so that it can be added to the table of contents
 - Sub-headers should be formatted as “Heading 2”
- Always add new content to the end of the document
 - Once the content has been added, hit “CTRL+F” and in the “Navigation” menu select “Headings”
 - You can drag and drop the content to any place then in the document
- Once new content has been added
 - On the cover page input the last updated date
 - Select the Table of Contents and hit “Update Table” and “Update Entire Table”
 - You will need to select the table after this to change the font to Cambria

After making any edits, be sure to save the document and afterwards rename it as “OIP Briefing Book (date updated).”

Chief FOIA Officer Council

The Chief FOIA Officers Council (CFOC) was established by the FOIA Improvement Act of 2016. The Directors of OIP and OGIS co-chair the CFOC. The Deputy Director for Management at OMB is also a member, along with the Chief FOIA Officers of each agency.

Logistics & Administrative Requirements

- The CFOC meetings are generally open to the public (at least one meeting per year permitting public comment is required).
- The statute tasks GSA with administratively supporting the CFOC; OIP and OGIS handle all logistics in practice. Typically, OGIS has coordinated logistics and registration for these meetings, either in person at the McGowan Theater, or over WebEx. We coordinate with OGIS on the agenda.

Announcing the Meeting

- Once a meeting date is set, notify Agency Chief FOIA Officers (with principal FOIA contacts included for awareness) of the meeting via email.
- Publish an announcement on FOIA Post, including registration instructions. Federal Register notice: the statute requires published notice at least 10 business days in advance. OGIS has generally been helpful with this since the Federal Register is part of NARA, but this should be confirmed with them each time. The notice is very generic, and we do not generally coordinate on the content.
- The statute requires the following information to be made publicly available, redacted pursuant to FOIA exemptions:
 - Records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by the Council shall be made publicly available.

- Detailed minutes of each meeting of the Council shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Council. The minutes shall be redacted as necessary and made publicly available. (OIP and OGIS determine who will draft the minutes). Typically, OIP staff attorneys alternate and take turns watching and drafting meeting minutes after the meetings.
- After each CFOC meeting, the CFOC portion of OIP's website should be updated to include meeting materials.

Technology Committee

- The Technology Committee is a permanent committee of the CFOC. As of August 2021, it is currently co-chaired by Eric Stein (State) and Michael Sarich (VA/VHA). There are several working groups focused on various aspects of FOIA and technology. They typically present at CFOC meetings.
- The Technology Committee has meetings monthly. The Director of OIP and/or the Compliance Chief attend these meetings.

Committee on Cross-Agency Collaboration & Innovation (COCACI)

- This Committee was created in October 2020. It is currently chaired by Michael Bell, Department of Transportation, and Abi Mosheim, Consumer Product Safety Commission.
- COCACI meets monthly.

Federal FOIA Advisory Committee

OIP's Director is a member of the FOIA Advisory Committee (FACA), which is administered by OGIS and comprised of agency and requester representatives. The Director of OGIS chairs the FACA, which runs in two-year terms. At the conclusion of each term, the FACA issues a report with recommendations, which typically include at least some recommendations for OIP.

The Compliance Team supports the OIP Director's involvement in the FACA as needed. The FACA holds public meetings quarterly. Generally, someone from Compliance should attend for awareness. Minimal, if any, prep work is typically needed for these meetings; though we always review the proposed recommendations and work closely with the Director (and OGIS as needed) as we consider how they may be implemented.

Government Accountability Office Engagements

OIP occasionally (once or twice a year) has engagements/audits with the Government Accountability Office. The Compliance Chief is responsible for coordinating with OIP's Director to prepare for meetings with GAO, provide any recent responses, and review any draft reports, etc. with assistance from the Compliance Team members as needed. Recent GAO inquiries have pertained to Ex. 3 statutes, proactive disclosures, and FOIA.gov.

Whenever we have a GAO engagement, we are assigned an audit specialist in JMD who coordinates any communication with GAO; we do not communicate directly with GAO outside of the meetings. We may receive requests for documents or written responses from GAO. The Compliance Chief is generally responsible for coordinating the preparation of these responses. We typically have one month to respond. Drafts should be provided to OIP's Director two weeks in advance so that they can be shared with OASG if needed.

Congressional Inquiries

OIP occasionally receives inquiries from members of Congress. Sometimes they are constituent inquiries about the status of a request; other times they are substantive policy/compliance inquiries. Work involved in responding to these inquiries is shared amongst the various teams as determined by the Director. The Compliance Team may assist the Director in preparing written responses. All communication is coordinated through OLA and/or Exec Sec.

Section 3 – Reports

Each year, agencies complete an Annual FOIA Report, Chief FOIA Officer Report, and Quarterly Reports. Agencies submit their Annual FOIA Reports and CFO Reports to OIP for review and clearance. They are required to post their Quarterly Reports on their websites. The FOIA requires the Attorney General to make each report which has been made available by electronic means available at a single electronic access point. As a result, each federal agency must submit an Annual Report and a Chief FOIA Officer report to the Attorney General each year. These reports contain detailed statistics on the numbers of requests received and processed by each agency, the time taken to respond, and the outcome of each request, as well as many other vital statistics regarding the administration of the FOIA at federal departments and agencies. OIP establishes the reporting requirements and issues guidance to agencies specifying the means and timing of submission.

Refresher Training

OIP hosts “Refresher Training” sessions for agency personnel responsible for compiling their Annual FOIA Reports and Chief FOIA Officer Reports. These sessions are designed to provide an overview of each report’s requirements, provide tips for compiling the reports, and give agencies the opportunity to ask questions. OIP’s Director may attend these trainings if available and provide an introduction. The Compliance Team teaches at these trainings.

Timing

Both sessions should be scheduled as part of our regular training schedule that gets announced towards the end of each fiscal year. The Annual FOIA Report Refresher training occurs usually around the second week of October. The CFO Report training occurs in early December.

Content

Annual FOIA Report

- Slides that provide overall requirements on timing and submission, and section-by-section description of the data required. The key here is to convey what agencies are required to report and how they should calculate the pertinent information. All of this is based on our Annual FOIA Report Handbook, which is updated as needed.
- At times we have provided some additional resources to assist agencies in preparing their data. This has included a document similar to the spreadsheet guidance that we provide to DOJ components that is based on our [Annual Report Raw Data Template](#), an attachment to our 2016 [guidance](#) on new annual report requirements. During the

training, we spend a few minutes discussing the importance of reviewing and addressing discrepancies in the raw data before compiling the aggregate data for the report.

Chief FOIA Officer Report

- Slides that provide overall requirements on timing and submission, and section-by-section description of the questions. All this information comes from that year's CFO Report Guidelines, which are published in late summer.
- Slides cover all questions but highlight any questions that are new or significantly revised for that year.

DOJ Reports

The Compliance Team is responsible for compiling the Department's FOIA reports, which include the Annual FOIA Report, Chief FOIA Officer's Report, and Litigation and Compliance Report. The Annual and CFO Reports require that data be compiled from the components. The Litigation and Compliance Report is authored by OIP.

Annual

The FOIA requires every agency to submit to DOJ and post online an Annual FOIA Report. See 5 U.S.C. § 552(e). This involves collecting and reviewing raw data from all DOJ components, working with the components to correct any discrepancies, and compiling all component data into the Department's final report. The Compliance Team is also responsible for compiling OIP's portion of the Annual FOIA Report, working with IR and Appeals as needed to resolve questions and correct data. As of FY 2020, data validation and compilation will be done primarily using FOIA STAR, with some additional manual checks. If any data needs to be validated or compiled manually, see documentation from FY 2019.

Timeline

- August/September: Update documentation/guidance for components as needed. This information is located at <G:\OIP\Compliance Staff\Annual Report\Department of Justice>. Use the most recent fiscal year's "Instructions to Components" as a baseline for the next year.
- Mid-late September: Email components the deadlines/guidance for that year's reporting cycle, along with an invite to a training session for the first week of October.
- First week of October: Confirm that all components have one point of contact with access to FOIA STAR. Host a Training/Q&A call to review reporting requirements and data submission instructions, and to answer component questions. If there has been a significant change in the process, plan for additional time to explain this.
- Mid-October: Validated raw data is due to OIP.

- Mid-October – mid-November: Compliance works to clear/finalize as much data as possible. Also happening during this time is validation of OIP data.
- Mid-November – mid-December: Straggler component data is cleared, OIP data is cleared, compilation of final report.
- Mid-December: Goal date for DOJ Annual FOIA Report to be finalized and posted. If this is not feasible, DOJ report should be finalized as soon as possible thereafter.

Process

Component Review

- The process is documented in the above folder for each year. The overall process is that components validate their own data in FOIA STAR, then submit two “passed” spreadsheets to OIP. Compliance conducts some additional manual review checks, resolves any discrepancies with the component, then generates the final word report. This word report must be reviewed and cleared by the Compliance Chief before sending to the component for clearance. Once cleared, the data is final for inclusion in the Department’s report.

OIP Data

- OIP’s raw data is extracted from FOIA STAR by a user with Administrator capabilities (all managers have this role), by selecting Reporting > Shared Reports. Appeal and Request raw data can be downloaded separately.
- Compliance should do a high-level review of data to ensure nothing is glaringly missing but can otherwise proceed to validation. Before loading into FOIA STAR for validation, the Request and Appeal raw data must be combined into a single CSV file and formatted for consistency with the Component Spreadsheet guidance (for requests, the dispositions must be replaced with the codes).
- Work with IR and Appeals Teams to address any validation errors. Do the same manual review checks as we do with the components. Once finalized, share OIP’s word report with IR and Appeals to confirm.

Commented [BA(1)]: Note to add who gathers/compiles Section IX-XI data

Compiling, Finalizing, & Posting Report

Once all component data is marked “Final” in FOIA STAR, any Compliance Team or Administrator user can create the agency’s overall report by selecting Tracking Inbox >

Agency Overall Report > New Agency Overall Report. Select the fiscal year and add the text for any footnotes. Click Save. The report is generated in xml and word format.

- o The word report should be reviewed and formatted in accordance with our past reports. Once compiled, the Compliance Chief will review. Once cleared, the Director reviews. Once the Director clears (and possibly OASG), the report should be sent to the Service Desk for a 508 scrub and then posted on OIP's website.
 - o Note: The Compliance Chief and Director may review before the final formatting occurs.
- o Posting of the report always takes longer than anticipated. The Reports page must be updated and a separate page for the new report must be created with the entire report posted at the top, along with a table of contents and sub-links to individual sections of the PDF that must be broken out from the main file.

Chief FOIA Officers Report

OIP Review of DOJ CFO Reports

There is a [CFO Report Folder](#) for each year, which contains a folder for each agency to track correspondence and versions of the report draft, template for the CFO Report Guidelines in word format, the assessment methodology, excel files for tracking and documenting the report review, a review process document, and an excel file to check quarterly report submissions.

Timeline

- Mid-August: Finalize CFO Report Guidance and Deadlines. This information is located at G:\OIP\Compliance Staff\Chief FOIA Officer Reports\DOJ Chief FOIA Officer Reports. Use the most recent CFO Guidance as a baseline for the next year. For suggested questions check the FACA and CFO Council Recommendations and areas to highlight based on data.
- September:
 - o Create Folder and Tracker
 - o Create Word Version of CFO Questions to send to components
 - o Schedule Q&A session for first week of October
 - o By Mid-September, update and disseminate instructions and deadlines for DOJ Component CFO Report submissions
- October: Host CFO Q&A for Components
- December: Responses due from components
- Mid-January: Submit First Draft of Report to Compliance Chief
- February:
 - o In early February, submit final draft to OIP Director. Make any edits needed so that OIP Director can send to Assoc. AG for review.
 - o In late February, make edits based on Assoc. AG's Review.
- March:
 - o By, the first week of March, the final DOJ CFO PDF should be ready for posting. Drop dead deadline for posting is Sunshine Week (March 16)

Process

Components Submit Responses to CFO Guidelines

- Components will not need to answer all the same questions as agencies because OIP will have the DOJ Annual FOIA Report data. The Compliance Team will create a Word Template and a Template in Forms for components to use to submit their responses to OIP. The template for components should only include questions that OIP cannot determine through the DOJ Annual Report data. In September, send components an email including the Guidelines, word template, reporting deadlines, and date for the DOJ CFO Q&A. As components submit responses save them in the Component Response folder and track which components are still missing. Send a follow-up email to components with outstanding reports the day after the deadline, provide a new deadline, and continue to follow-up every 2 weeks thereafter. Escalate the follow-ups to the Compliance Chief, particularly if a component has not replied to reminders at all.
- To create the Form Template, access the form using the instructions in the “Template Email to Components” document. Copy the previous year’s Form and edit the contents as needed depending on any changes to questions. This will save lots of time as the sections are already built out, the questions can just be added/removed or edited as needed. To get the link to the Form to send to components, click on the “Share” button in the top right and copy the URL.
- To Download component responses to the form, click on the “Responses” tab and the “Open in Excel” button. Copy paste FBI, DEA, and BOP responses into the spreadsheet, so all the responses are accounted for in the spreadsheet.

OIP Reviews Component Responses & Compiles the DOJ CFO Report

- Save a copy of the previous year’s DOJ CFO Report to the current year folder to use as a baseline. Do a once over review to flag any data points that need to be updated, add text for new questions or remove any questions that are no longer included, and make any other edits based on the current time period.
- Once you have DOJ Annual FOIA Report data finalized, you can complete draft responses for the introduction and any questions that require data.
- As you receive responses from components, review them to ensure they answered all the questions asked. Follow-up with the components as needed to clarify information provided or ask that a component provide a response to a question. For each section of the report provide examples from component responses.
- The draft will undergo several rounds of revisions. The first draft should be sent to the Compliance Chief for one or two rounds of edits. Once the Compliance Chief is satisfied with the final draft, she will send to the OIP Director. The Associate Attorney General then clears the final version.
- The cleared final version of the DOJ CFO Report should be sent to the Service Desk for a 508 scrub and then posted on OIP’s website.
 - Note: The Compliance Chief and Director may review before the final formatting occurs.
 - Posting of the report always takes longer than anticipated. The Reports page must be updated and a separate page for the new report must be created with the entire report posted at

the top, along with a table of contents and sub-links to individual sections of the PDF that must be broken out from the main file.

Litigation and Compliance

As required by law, OIP writes the annual Litigation and Compliance report to highlight the ways DOJ encourages agency compliance with the FOIA. Every year, DOJ provides comprehensive guidance, training, and counseling to assist agencies with FOIA administration. The Litigation and Compliance Report gives law and policymakers a broad overview of OIP's efforts.

Materials

- Located at [\\gsd-cifs-rdc01\nya_public\OIP\Compliance](#) Staff\Litigation and Compliance Report
- Most general materials from the previous FY's litigation and compliance report process should be copied and pasted into a new folder for the new FY
 - For FY 20XX
 - Create a new folder at [\\gsd-cifs-rdc01\nya_public\OIP\Compliance](#) Staff\Litigation and Compliance Report
 - Create the following subfolders:
 - Drafts
 - Final for posting
 - Create/save the following documents:
 - 20XX Litigation and Compliance Report Cover Letter to House
 - 20XX Litigation and Compliance Report Cover Letter to Senate
 - Case Charts Checklist
 - Cases Filed – 20XX (Save a version in excel and in pdf form)
 - Decisions Rendered – 20XX (Save a version in excel and pdf from)

General Process

- The Litigation and Compliance Report should be finalized and sent to OIP's Director no later than the first week of February
- Narrative
 - The preceding year's Litigation and Compliance Report can be used as a template for the subsequent year. See example outline and content below:
 - Description of Department of Justice Efforts to Encourage Agency Compliance with the Freedom of Information Act
 - Describe DOJ's reporting requirement IAW 5 U.S.C. § 552(e)(6) (2018).
 - Provide broad overview of OIP's efforts to provide FOIA guidance and training to agencies during FY
 - Describe a few OIP highlights from relevant FY
 - *Section A*: Policy Guidance
 - Describe OIP efforts in the following areas (review OIP's guidance page for subject matter in this section):

- OIP Guidance on Chief FOIA Officer Reports
 - OIP Guidance on Annual FOIA Reports
 - OIP Guidance for Further Improvement Based on 2020 Chief FOIA Officer Report Review and Assessment
 - *Insert other OIP guidance on case law, technology, or procedural matters, if available*
- *Section B: Efforts to Promote Agency Accountability*
 - Describe OIP efforts in the following areas (review OIP's CFO Report, Annual FOIA Report and Quarterly Report guidance for subject matter):
 - Summary of 2020 Chief FOIA Officer Reports and Assessment of Agency Progress
 - Summary of Agency Annual FOIA Reports and FOIA.gov
 - Quarterly FOIA Reporting
 - Meetings with Chief FOIA Officers
 - This section was kept at a general level previously. Add more detail, if available.
- *Section C: Counseling and Consultations*
 - Describe OIP efforts in the following areas (review FOIA Counselor logs and any applicable guidance):
 - FOIA Counselor Service:
 - You will need to review each FOIA counselor log to count the number of government callers each month.
 - Create a chart providing the number of FOIA Counselor calls received each month
 - You will also need to list the total number of FOIA Counselor calls received during the year
 - Describe FOIA Counselor background and procedures
 - Additional FOIA counseling services provided by OIP (such as for matters in litigation or on appeal)
- *Section D: Disseminating Information through FOIA Post*
 - Describe OIP efforts in this area after reviewing the FOIA Post blog, best practices workshops and sunshine weeks summary for subject matter
- *Section E: Use of Social Media*
 - This section focuses on OIP's use of Twitter. Review content and updates at [\\gsd-cifs-rdc01\ nya_public\OIP\Compliance](#) Staff\Twitter
- *Section F: Providing Additional FOIA Reference Materials*
 - Describe DOJ's Guide to the FOIA. Discuss updates to the Guide (Review the Guide on OIP's webpage).

- Describe Resources on Exemption 3 Statutes (Review items on OIP's FOIA Resources page for subject matter)
- Provide Summary of Court Decisions (Review OIP's Court Decisions page for subject matter)
- Discuss OIP's review of all agency FOIA Reports
- Describe FOIA Self-Assessment Toolkit (See FOIA Resources page for more information about the toolkit)
- Discuss Proactive disclosures (OIP's guidance page, FOIA Post blog, Court Decisions Page etc. for subject matter)
- Describe OIP's FOIA Reference Guide (review the reference guide electronically on OIP's website)
- *Section G*: Additional Government-wide Initiatives to Further Improve Administration of the FOIA
 - Provide summary of OIP's progress on other FOIA initiatives. In 2019, examples included:
 - Describing OIP's role on the Chief FOIA Officers Council and describing the council's meeting held during the FY.
- *Section H*: Outreach
 - Provide summary of OIP's efforts to engage the requester community and outside stakeholders. In 2019, examples included:
 - Describing new reporting functionality on FOIA.gov
- *Section I*: Training, Public Presentations, and Briefings
 - Describe OIP's various training programs held during the year. In 2019, examples included:
 - The Freedom of Information Act for Attorneys and Access Professionals
 - Advanced Freedom of Information Act Seminar
 - Introduction to the Freedom of Information Act
 - OIP's Best Practices Workshops.
 - In the description include the approximate number of individuals registered for training at OIP courses.
 - Include description of individualized agency training sessions
- *Section J*: Legislative and Regulatory Proposals
 - Describe OIP's review of draft or preliminary legislative proposals relating to the FOIA or to information policy. more generally. For example, in 2019 OIP reviewed proposed FOIA regulations from approximately 8 agencies.
- *Section K*: Congressional and Compliance Inquiries
 - Describe OIP's role in responding to congressional inquiries from Capitol Hill and compliance inquiries from members of the public. Include the total number of congressional inquiries and compliance inquiries received during the year.

List of FOIA Litigation Cases Received & Decided During the Year

- Attach two separate lists to the report of FOIA litigation cases for the current year. One list shows the FOIA cases "received" or filed during current year and the second list shows the dispositions "rendered" or decided during the current year.
- Both lists will also be posted on OIP's website in an "open" format so that the public may manipulate and sort through the data in accordance with their interests.
- TIP: It is best to assemble both lists gradually over the course of the year rather than waiting until January/February. There are often over 1,000 cases to review.

List of Cases Received

- Log into the Public Access to Court Electronic Records (PACER)
 - Enter your username and password
 - On the Login Screen, ensure the "Court*" field is set to "PACER Case Locator"
 - Click Login
- Once Logged in, click "Find Cases (Advanced)"
- Scroll to the bottom of the page and in the lower right corner click "Legacy PCL"
- In the "Case Search" field, enter "Freedom of Information Act" in the "Nature of the Suit" box (when you start to type this should automatically display as "895 Freedom of Information Act").
- In the "Date Filed" field enter the start and ending dates you would like to search
- Click Search. The list of cases should populate.
- Above the search results, click "Download." The Format should be set to CSV.
- Click agree to charges.
- Once the spreadsheet populates, the fields should be listed in the following order from left to right: Date Filed, Case Name, Case Number and Court. See previous years case chart for example.
 - Delete all other fields other than those just listed
 - In the "Case Number" field the number should be displayed as YEAR-CASE NUMBER (e.g. 2020-08463). However, when you initially download the chart, the case number will display as 1:2020-cv-08463 or 2:2020-cv-08463. The best way to delete the extra information is to use find and replace feature in excel as follows
 - Find all numbers "1:2" – "9:2" replace all with "2"
 - Find "-cv-" replace all with "-"
 - Court Abbreviations should be changed to the format used in previous years (e.g. dcdce should be changed to D.D.C.)
 - JQW will assemble list of court abbreviations to be used on case charts.
 - The easiest way to change court names is to use Excel's find and replace feature.

- Ensure case names do not use all caps.
 - Find and replace case names that are listed in all caps
- Ensuring case is FOIA-related
 - In the list of PACER cases, click the desired case name
 - Under “Query” click “Docket Report”
 - Click “Run Report”
 - Examine the information displayed for signs the case is about FOIA.
 - If you determine the case is about FOIA, move to the next case listed.
 - If you cannot determine whether the case is about FOIA, click the complaint > Document Number: 1 > View Document. You should be able to tell from the complaint whether the case is FOIA related. If the case is about FOIA, move to the next case listed.
 - If the case is not about FOIA, delete the case from the case chart.
- As you create/make updates to this chart, ensure it is always saved as an excel or changes will be lost (i.e. saving the chart as a comma delimited CSV will not save the changes)

List of Decisions Rendered

- Visit OIP’s Summary of Court Decisions
Page: <https://www.justice.gov/oip/court-decisions-overview>
- Filter cases by month/year on right side of screen
- Create an excel spreadsheet with the cases from the current year
- The spreadsheet should list the following fields from left to right: Case Name, Case Number, Court, Disposition, Attorney Fees and Costs, Special Counsel, Special Counsel, and Subsections and Exemptions.
 - Each of these fields should have a filter to make the information searchable

Quarterly Reports

OIP Compliance posts the quarterly data for DOJ. The fiscal quarters run from October 1 to December 31, January 1 to March 31, April 1 to June 30, and July 1 to September 30. DOJ is required to post its Quarterly Reports online no later than the last Friday of each month following the end of the Fiscal Quarter. For example, in 2020, quarterly reports were required to be posted on 1/31/2020, 4/24/2020, 07/31/2020, and 10/30/2020.

To help ensure timely posting by DOJ components, refer to the email template for corresponding with components and the DOJ Quarterly Report Process Documentation, both located within the Compliance Team [Quarterly Reports folder](#).

The main tracking document for DOJ quarterly reports is the file titled "DOJ Cumulative Quarterly Data.". At the beginning of each fiscal year, create a copy of the previous year and clear out all the data; rename the sheet for the new FY. The header on this sheet and the note at the bottom will need to be updated for the new FY. Note that data from the previous Annual FOIA Report will need to be input into this main quarterly sheet and the sheet titled "Total Comparisons" to provide baseline data for the new year for comparison. See the formulas used from the previous Fiscal Year tabs for reference so you don't have to manually compile all the data.

In the sheet titled "Qtrly Ten Oldest Status," copy one of the tables, paste it to below the most recent table, and clear out all the data to track the status of the Department's ten oldest requests for quarterly reports.

Agency Quarterly Reports on FOIA.gov

Beginning in January 2013, DOJ informed all agencies that they are required to provide quarterly reporting of four key FOIA statistics that will be posted on FOIA.gov. The key statistics include: 1) the number of requests received during the reporting period; 2) the number of requests processed during the reporting period; 3) the number of requests in an agency's backlog at the end of the reporting period; and 4) the progress being made to close the agency's ten overall oldest pending FOIA requests from the prior fiscal year.

The fiscal quarters run from October 1 to December 31, January 1 to March 31, April 1 to June 30, and July 1 to September 30. Agencies are required to post their Quarterly Reports online and provide us with a link to the data no later than the last Friday of each month following the end of the Fiscal Quarter. For example, in 2020, quarterly reports were required to be posted on 1/31/2020, 4/24/2020, 07/31/2020, and 10/30/2020.

OIP Compliance does not update an agency's quarterly reports. Agency data is reviewed during annual CFO reporting. Agency's having trouble should refer to our existing [Guidance for Quarterly FOIA Posting](#). The Compliance Team may also refer agency managers to the Quarterly Report Step-by-Step with Screenshots (Updated June 2021) as a reference for how to input quarterly data into the FOIA.gov Quarterly Report Tool.

The Quarterly Report Data Tool enables the public to access the quarterly report data from Fiscal Year 2022 forward. The public can access historical quarterly report data as XML files on the FOIA.gov developer page.

Existing Agencies

There is not much to do with existing agencies except to ensure that an agency's URL is correct with JMD or that it is posting files in the correct (ZIP) format. If anyone reaches out saying that their reports are not displaying, it is usually for one of these two reasons, so work with agencies to first check if they are posting the files correctly and then work with JMD (Johann Huang) to update the URL if needed.

New Agencies

New reporting agencies cannot be set up to display quarterly reports until they have an Annual Report. Agencies can then either wait until the year after their first report to begin reporting quarterly or wait until their report for that first year is available and then begin reporting. To add an agency to the quarterly report generator, contact Johann Huang at JMD and Courtesy copy Gail Solomon and Cathy Flanagan to request that a new agency be added to the quarterly report generator. Once the agency is available as a selection, make sure the new agency understands the quarterly report process and guidance.

Federal Agency Reports

The FOIA requires every agency to submit to DOJ and post an Annual FOIA Report. See 5 U.S.C. § 552(e). This involves collecting and reviewing raw data from all DOJ components, working with the components to correct any discrepancies, and compiling all component data into the Department's final report. As of FY 2020, data validation and compilation will be done primarily using FOIA STAR, with some additional manual checks. If any data needs to be validated or compiled manually, see documentation from FY 2019.

Annual

All the Agency Annual Report Files are saved [here](#).

The [Reporting obligations at-a-glance](#) on [OIP's Reports page](#) should be updated to reflect the new deadlines and any changes in requirements. Reporting deadlines should be announced in September or as close to the start of the new fiscal year as possible. Announcement should include Annual Report, Chief FOIA Officer, and Quarterly Report Deadlines. Post should be sent to agencies using the "Principal Contacts List."

Update the [DOJ Annual FOIA Report Handbook](#) each year. Add the link on the reports page once the new version is done. A link to the Handbook should be included in the announcement to agencies regarding reporting obligations.

Timeline

OIP hosts a Report Refresher Training in mid-October. This event is usually announced with the reporting deadlines.

Throughout the year agencies should ensure the accuracy of their data and tracking process.

Process

The Annual Report submission and review process for Agencies is documented in the "[Checklist for Agency AR Review \(final\)](#)." The goal is to have all agencies cleared by mid-February or the last Monday of February at the latest to allow time for uploading to FOIA.gov. March 1st deadline - publishing on www.foia.gov/data.

For additional workflow tips, see the updated checklist in the 2021 Annual Reports folder.

Instructions to agencies for converting old XML files to the new format:

1. This year we updated the FOIA Annual Report tool to include tabs for (a)(2) disclosures and exclusion use. The tool is available under FOIA XML Schema at <https://www.foia.gov/developer/>. Below are instructions for loading the old version XML into the new v.2.2 tool:

2. Once you have the XML from the v.1.3.2 tool (used for the past several years), you can import that XML into the updated 2.2 tool.
3. Copy and paste the final XML from the old tool into the FOIA_Annual_Report_v2.2\exchange_files\schema_v1\xml folder.
4. Open the new FOIA Annual Report workbook FOIA_Annual_Report_v2.2\tools\FoiaAnnualReport-v2.1.1.xlsm.
5. Under "Add-ins," import the previously copied XML file from the \schema_v1\xml folder.
6. Add in components and data in the new Section XI tabs for (a)(2) disclosures and subsection (c) usage.
7. To export a NEW xml in the correct format, you need to save it to a different folder:
8. Under the Add-ins tab, export content as NIEM-XML to FOIA_Annual_Report_v2.2\exchange_files\xml_v2 as XML.
9. Then, you can use this version of the XML to continue to upload into the tool to make changes.
10. If you need to continue working from the old format xml, you can repeat the above steps as needed. Alternatively, if you still have the old tool, you can work on your data there and once finalized, make the switch over to the v.2.2 tool.
11. Instructions for if an agency submits a v1 of the old tool (which is missing sections XI.A and B.:
12. Save the agency's XML here: G:\OIP\Compliance Staff\Annual Report\All Agencies\FY 2019\FOIA_Annual_Report_v1.3.2\exchange files\sample
13. Open workbook at G:\OIP\Compliance Staff\Annual Report\All Agencies\FY 2019\FOIA_Annual_Report_v1.3.2\tools, then enable FOIA ribbon override located in the same folder
14. Import the XML by going to add-ins at the top of the workbook and clicking import XML (the one you saved in the FOIA_Annual_Report_v1.3.2\exchange files\sample folder.
15. Once the data uploads, export it and save to FOIA_Annual_Report_v2.2\exchange_files\schema_v1\xml folder.
16. Open the new FOIA Annual Report workbook from here G:\OIP\Compliance Staff\Annual Report\All Agencies\FY 2019\FOIA_Annual_Report_v2.1\toolsFOIA_Annual_Report_v2.2\tools\FoiaAnnualReport-v2.1.1.xlsm.
17. Under "Add-ins," import the previously copied XML file from the \schema_v1\xml folder.
18. Add in components and data in the new Section XI tabs for (a)(2) disclosures and subsection (c) usage.

Summary of Government-wide Data

Although not required to do so under the FOIA, OIP Compliance drafts an Annual FOIA Report Summary once the Annual FOIA Report data is finalized on FOIA.gov. As a result, compilation of the summary typically begins in mid- to late-March. It is helpful to provide a draft to the Chief of Compliance by the first week of April for feedback. After OIP's Director approves the draft, it is posted in final PDF format on the OIP [Reports page](#).

It usually helps to start with the summary from the previous year, as this file will contain all the charts needed (either to be added to or updated) and all the figures have alternative text already added. Annual summary reports are located at <G:\OIP\Compliance Staff\Annual Report\Annual Report Summaries>.

To compile the report, data can be pulled from <FOIA.gov>. Calculation instructions may be found at <G:\OIP\Compliance Staff\Annual Report\Annual Report Summaries\Annual Report Summary - How To Calculate Data.docx>; be sure to remember to update alternative text in the graphs and chart fields to account for year-over-year changes.

CFO

The FOIA requires all agency Chief FOIA Officers to report to the Attorney General on their performance in implementing the FOIA. 5 U.S.C. § 552(j)(2)(D) (2018). The Department of Justice's <2009 FOIA Guidelines> highlight the key role played by each agency's Chief FOIA Officer and emphasize that "[i]mproving FOIA performance requires the[ir] active participation." Accordingly, DOJ directs agency Chief FOIA Officers to review "all aspects of their agencies' FOIA administration" and to report each year to the Department of Justice on the steps taken "to improve FOIA operations and facilitate information disclosure."

Since 2010, agencies have highlighted in their <Chief FOIA Officer Reports> a wide range of initiatives, big and small, that have been undertaken to improve transparency. Every year since the establishment of this reporting requirement, OIP has prepared a comprehensive annual assessment of agency compliance with the FOIA, which combines pertinent details outlined by agencies in their <Chief FOIA Officer Reports> with data from their <Annual FOIA Reports>. These assessments are accompanied by a <summary> of agency <Chief FOIA Officer Reports>, which describes the various initiatives undertaken by agencies. Additionally, each year OIP compiles and posts a collection of <success stories> from the Chief FOIA Officer Reports of key agencies. OIP will once again prepare and release an assessment after the submission of the 2021 Chief FOIA Officer Reports.

In 2014, OIP began issuing separate reporting requirements for agencies based on the volume of the FOIA requests they receive. As in prior years, the requirements for the Chief FOIA Officer Reports differ depending upon whether the agency received more than 50 requests in the preceding fiscal year.

To complete the 2021 Chief FOIA Officer Report, agencies that receive more than 50 requests in the previous Fiscal Year should answer the questions provided in this <template>.

As in previous years, the 2021 Chief FOIA Officer Reports should provide an overall picture of each agency's activities. Thus, even for those agencies that process requests on a decentralized basis, by component, the Chief FOIA Officer Report should contain agency overall answers and should not be broken down by component. Instead, it should be organized by the five key topical areas. Then, within the discussion of each key area, data and examples from the agency's various components can be provided. That approach makes it easier to get a picture of how the agency is addressing all the various aspects of their FOIA administration. All agencies receiving more than 50 requests must submit their 2021 Chief FOIA Officer Reports to OIP for review no later than Monday, January 11, 2021.

Agencies with low volumes of requests are not required to report if they believe that their Annual FOIA Report provides a sufficient accounting of their efforts to effectively and efficiently administer the FOIA. While not required, OIP does encourage low volume agencies to provide descriptions of any FOIA efforts or success stories that are not captured in their Annual FOIA Report. OIP highlights these examples in its Summaries of

the Chief FOIA Office Reports and during other public presentations, such as DOJ's Sunshine Week event, for the benefit of all agencies. Such examples can also help inform OIP in our efforts to encourage government-wide compliance with the FOIA. Small volume agencies that have information to report can use this [template](#) to provide their narrative. Agencies receiving 50 requests or less that choose to report should provide their 2021 Chief FOIA Officer Reports to OIP for review no later than Friday, February 12, 2021.

The drafts should be submitted by email to DOJ.OIP.FOIA@usdoj.gov (link sends e-mail). Please use the following text for the subject line of the email: Draft [insert agency name] Chief FOIA Officer Report.

For agencies receiving more than 50 requests, once your report is reviewed and cleared by OIP, it should be posted on your agency's website. Agencies receiving 50 requests or less that choose to report are encouraged to post their reports online as well. OIP, in turn, will make all posted Chief FOIA Officer Reports available to the public on the Department of Justice's website. For 2021, agency Chief FOIA Officer Reports should be posted in final form by no later than Monday, March 15, 2021.

Unless otherwise noted, agency 2021 Chief FOIA Officer Reports should address agency activities that have occurred since the posting deadline of last year's Report, which was March 19, 2020, up until the posting of the 2021 Report (March 15, 2021). Thus, the general reporting period for the Chief FOIA Officer Reports is March 2020 to March 2021.

OIP Review of Agency CFO Reports

There is a [CFO Report Folder](#) for each year, which contains a folder for each agency to track correspondence and versions of the report draft, template for the CFO Report Guidelines in word format, the assessment methodology, excel files for tracking and documenting the report review, a review process document, and an excel file to check quarterly report submissions.

Timeline

- Mid-August: Finalize CFO Report Guidance and Deadlines. This information is located at G:\OIP\Compliance Staff\Chief FOIA Officer Reports\DOJ Chief FOIA Officer Reports. Use the most recent CFO Guidance as a baseline for the next year. For suggested questions check the FACA and CFO Council Recommendations and areas to highlight based on data.
- September:
 - Create Folder and Tracker
 - Create Word Version of CFO Questions to send to components
 - Schedule Q&A session for first week of October
 - By Mid-September, update and disseminate instructions and deadlines for DOJ Component CFO Report submissions
- October: Host CFO Q&A for Components
- December: Responses due from components
- Mid-January: Submit First Draft of Report to Compliance Chief
- February:
 - In early February, submit final draft to OIP Director. Make any edits needed so that OIP Director can send to Assoc. AG for review.
 - In late February, make edits based on Assoc. AG's Review.
- March:

- By the first week of March, the final DOJ CFO PDF should be ready for posting. Drop dead deadline for posting is Sunshine Week (March 16)

Process

Materials located at G:\OIP\Compliance Staff\Chief FOIA Officer Reports

- Most general materials from the previous FY's review process should be copied and pasted into a new folder for the new FY
 - For FY 2021
 - Create a new folder at G:\OIP\Compliance Staff\Chief FOIA Officer Reports for "FY 2021"
 - Create the following subfolders:
 - Agency Feedback on Assessment
 - Agency Folders
 - Report Guidelines
 - Summary, Assessment, Success Stories
 - Create/save the following documents:
 - 2021 CFO Assessment Methodology
 - 2021 CFO Report Review-JW (excel spreadsheet)
 - 2021 CFO Report Review-KH (excel spreadsheet)
 - 2021 CFO Report Review-LR (excel spreadsheet)
 - 2021 CFO Report Review-AB (excel spreadsheet)
 - 2021 CFO Report Review-Master (excel spreadsheet)
 - Agency CFO Report Review Tracking 2021 (excel spreadsheet)
 - FY20 Quarterly Report Check (excel spreadsheet)

General Process

- CFO Guidelines should be posted no later than September for the upcoming FY's report
 - Be sure to review and incorporate agency feedback from previous FY's report. It may be helpful to review formal feedback included with the agency assessment or informal email correspondence from the reporting period.
- Guidance for further improvement should be posted as soon as practicable after the reporting period. The CFO Summary and Assessment should provide subject matter for the guidance piece.
- Identify Agencies Required to Submit CFO Report
 - High volume (agencies receiving more than 1,000 requests in the previous FY) and medium volume (agencies receiving 50-1,000 requests in the previous FY) agencies are required to submit a CFO report.
 - Low volume agencies (agencies receiving fewer than 50 requests in the previous FY) are not required to provide a CFO Report if the agency believes that their Annual FOIA Report provides a sufficient accounting of their efforts to effectively and efficiently administer the FOIA.

- To determine whether an agency is required to submit a CFO report, look at the number of requests the agency received on its Annual FOIA Report from the most recent FY data available.
- Due Dates
 - High and medium volume agencies must submit their draft CFO Reports to OIP for review no later than the third Friday in January.

If the low volume agency elects to submit a CFO report, they must submit their draft report to OIP no later than the second Thursday in February.

- Tracking submissions
 - Agencies will email their draft CFO Report. Submissions (email + draft attachment) should be saved in an individual agency folder at G: > OIP > Compliance Staff > Chief FOIA Officer Reports > Agency Chief FOIA Officer Reports > 2021 CFO Reports > Agency Folders
 - Update review status in spreadsheet entitled "Agency CFO Report Review Tracking 2021"
 - Spreadsheet located at G:\OIP\Compliance Staff\Chief FOIA Officer Reports\Agency Chief FOIA Officer Reports\2021 CFO Reports
 - Submissions should be assigned by complexity and time to all Compliance Team members
 - Everyone should get a combination of large/complex agencies and small/simple agencies to review
 - Goal is to have the CFO reports reviewed by early March
 - Follow up with agencies as needed to ensure reviews are completed on time
- Reviewing Agency Submissions
 - Check draft CFO report against 2021 CFO Assessment Methodology
 - Copy agency responses to each question into your individual 2021 CFO Report Review spreadsheet
 - If time permits, highlight, or set aside interesting answers/best practices/success stories for use in CFO summary
 - JQW (or assigned team member) will compile all team member spreadsheets into the Master spreadsheet
 - JQW (or assigned team member) will cross check all team member spreadsheets (scoring etc.) with draft agency reports. Follow up and clarification will occur as needed.
 - Assess agencies and record scores as LG, DG, Y, etc. in the spreadsheet
 - Check Quarterly Report postings against the FY20 Quarterly Report Check
 - This may also require examining agency's website, if it appears agency has not posted all four quarterly reports
 - Check all Annual Report data against the agency's cleared FY20 Annual FOIA Report. If the Annual FOIA Report is not yet cleared, do **not** clear agency's CFO Report.

- If draft CFO report has errors: Reply to the email in which the agency submitted its draft CFO Report
 - Note discrepancies according to the section and question number in the assessment methodology (e.g. Section II, No. 4)
 - Link to OIP guidance pieces when they provide clarity (e.g. <https://www.justice.gov/oip/blog/foia-guidance-8>)
 - Once the agency report is error-free: clear the agency to post its CFO report
 - Sample clearance language: “Hello [INSERT NAME], [INSERT AGENCY] is cleared to post its Chief FOIA Officer Report on its website. Please send me the link once the report is posted.”
 - Update the CFO Report tracker after you have cleared the report
- If draft CFO Report does not have errors: Clear agency to post its CFO report. Ensure you reply to the email in which the agency submitted its draft CFO Report
 - Sample clearance language: “Hello [INSERT NAME], [INSERT AGENCY] is cleared to post its Chief FOIA Officer Report on its website. Please send me the link once the report is posted.”
 - Update the CFO Report tracker after you have cleared the report

CFO Summary & Assessment

Summary

The 2020 CFO Summary can be used as a template for 2021. Review the Guidelines for the 2021 Chief FOIA Officer Reports (specifically the templates for large/medium and small agencies) to get an idea of what sections to include in the summary. A sample outline is below:

- Introduction
- Section I: Applying a Presumption of Openness
- Section II: Ensuring Agencies Have Effective Systems for Responding to Requests
- Section III: Increasing Proactive Disclosures
- Section IV: Greater Utilization of Technology in FOIA Administration
- Section V: Improving Timeliness and Reducing Backlogs
- Conclusion
- OIP Guidance for Further Improvement Based on 2020 Chief FOIA Officer Report Review and Assessment
 - 2020 Assessment of Agency Progress in FOIA Administration
- Review the “2021 CFO Report Review-Master” spreadsheet for facts/data/best practices to include in the summary
- Tips and best practices:
 - Hyperlink to all CFO reports referenced in the summary
 - Include charts/graphs/quotes
 - Try to vary examples. Do not repeat examples and quotes that have been used in previous years

- Examples should be from large, medium, and small agencies. Do use examples exclusively from large agencies
- It is ok to paraphrase agency examples
- The “Guidance for Further Improvement” section should be completed after finishing the summary and the assessment
- Draft summaries should be saved in the subfolder “Summary, Assessment, Success Stories”

Assessment

- Use blank assessment template
 - Ensure section headers match questions asked in current year’s methodology
 - Ensure all text is viewable
- Input data from the “2021 CFO Report Review-Master” spreadsheet
 - **Tip for text version:** Copy color-coded data into the text version, then replace the color with the corresponding text (e.g. DG, R, Y etc.). This will reduce errors
- Once all data added to assessment:
 - Check data against what is in the “2021 CFO Report Review-Master” spreadsheet
 - If there is a discrepancy, check agency’s draft CFO report and master spreadsheet
 - Cross check data in text and color-coded versions
 - If there is a discrepancy, check agency’s draft CFO report and master spreadsheet
 - **Tip regarding cross checks:** Start cross checks early and break them up over a period time. This will reduce errors

Success Stories

- Pull success stories from “2021 CFO Report Review-Master” spreadsheet
- Only use examples from department-level agencies. Ensure all department-level agencies have at least one success story included
 - If agency’s success story is minimal. Pull example from another section of the report
- Do not include success stories used in previous years

Quarterly Reports

Agencies are required to complete quarterly FOIA reports pursuant to OIP’s 2013 [Guidance for Quarterly FOIA Reporting](#). These reports are not submitted to us directly but are posted on agency websites and ingested automatically to FOIA.gov. Agencies report each year in their CFO Reports whether they have successfully posted all four quarterly reports during the prior fiscal year.

We occasionally receive questions from agencies if their data is not appearing on FOIA.gov. When this occurs, we should verify the base URL to confirm it is consistent with the most recent link we have on file (which we collect in advance of each CFO Report review cycle). If the link differs, ask the agency if they can post consistent with the URL we have on file, or if there has been a change to the URL. If there has been a change or you need assistance troubleshooting, notify Johann Huang in JMD (email the Service Desk with Johann copied).

Agency Quarterly Report Postings

- Agencies should post to the same base link each year (only the end of the link would change each quarter - AGENCY ABBREV.-20XX-QX.zip.). The link that we need is the one used to post the .zip file, not the URL of the page on which the files are posted. If the agency changes the link, they need to notify us so CWS can change the link the data is pulled from. If the link isn't updated on our end the data will not pull into Drupal.
- Some agencies provide a unique link each quarter. When we make this quarter's data available on FOIA.gov, please provide their link to CWS. (These agencies include: OGE, EPA, White House agencies - ONDCP, OMB, OSTP...)
- Agencies are responsible for updating OIP about their links and for confirming that the data is visible each quarter on FOIA.gov/data. Quarterly data should be visible on FOIA.gov/data within 48 hours of the end of the quarter.
 - Agencies that are having trouble posting quarterly data can be referred to our [Guidance](#).

Section 4 - Compliance

Encouraging agencies to comply with the FOIA is central to OIP's mission. Compliance Team staff help to ensure that federal agencies are operating their FOIA programs as required by the FOIA statute.

Compliance Inquiries

As part of its oversight and guidance responsibilities, OIP reviews inquiries made by the public and other stakeholders that raise issues regarding agencies' compliance with the FOIA and the Department of Justice's FOIA Guidelines. Compliance inquiries may be submitted in writing to OIP Compliance by mail or email. Contact information for where to submit Compliance Inquiries is posted on the DOJ website. Occasionally, compliance inquiries will be routed via email to Compliance Team members from Initial Response or Appeals Team Staff.

Compliance Staff assigned to review Compliance Inquiries will need "OIP.ComplianceInquiry" shared Outlook mailbox access. The shared email address, OIP.ComplianceInquiry@usdoj.gov, is the operative method of responding to submitters. Any communications or responses to Compliance Inquiries should be generated from within this mailbox, if possible. At a minimum, Staff assigned to Compliance Inquiries should Courtesy copy the Compliance Inquiry email box when communicating with submitters from their work email addresses.

The workflow for processing Compliance Inquiries can be found at [G:\OIP\Compliance Staff\Compliance Inquiry](#). Generally, cases are assigned on a rotating basis amongst the OIP Compliance Staff. Specific

administrative information, including mailbox duty assignments, template response language, file naming conventions, and case management and reporting requirements can be found within the workflow document.

Component Improvement Initiative

At least one staff attorney from Compliance and one staff attorney from Appeals lead the Component Improvement Initiative (CII). OIP's goal in creating the CII was to utilize quarterly data to focus component efforts toward FOIA backlog reduction and reduce simple track processing times within the Department. During its inaugural year, the CII team provided components with a self-assessment data tool. Subsequent annual CII initiatives have included a review of component websites and remand data. Over the years, various component goals have included backlog reduction by specified percentages, reduced simple track processing time, and improved track designation. After examining annual quarterly data, the CII team holds meetings with components that have significant backlogs and high processing times to discuss unique challenges these components face, the CII team also provides recommendations, such as issuing guidance on track designations and best practices.

Because CII efforts are very data driven, it is extremely important for the methodology used to be both accurate and thorough. Documentation for the CII is located at: <G:\OIP\Component Improvement Initiative>. The Data Focus Spreadsheet is the primary source of statistical analysis. To review the data, follow the process below:

Methodology for Data Review

1. Enter Backlog and Simple Request Average Processing Times for each component from Annual Report into Data Focus Spreadsheet
 - a. Review Backlog data to identify which components have an increase trend from previous year and over time
 - b. Review Average Processing Time data from Section ___ of the Annual Report to identify which components have a significant increase from previous year OR are over 20 days
 - i. If components are under 20 days but have a trend of increasing each year and are closing in on 20 days, consider whether the trend should be discussed
 - ii. For OIP/IR processing time data should be the focus – breakdown of other dispositions (12 categories)
 - c. Identify components that were able to significantly decrease and discuss any changes made to workflow that improved these #s so the info can be shared as best practice?
 - d. Increase could have been caused by 1-2 requests that cause a big impact on average.
2. Look at Quarterly data trends over time –
 - a. Track quarterly data for each DOJ component - requests received/processed/backlog
 - b. Are there certain times of the year when consistently get more requests?
 - c. How to mitigate that with staffing structure?
3. Identify components to meet with and points for discussion
4. Meet with BT, LR and MH to discuss
5. Create Pivot Tables for all components –prioritize the ones we plan to meet with
 - a. Once the raw data is cleaned up with the processing times added, along with the “Holidays” tab, select “Insert Pivot Table.”
 - b. Drag “disposition reason” to rows, and “track” to columns.

- i. Deselect the two unperfected dispositions so they do not appear in the chart
 - c. Drag days processed to Values three times.
 - i. For the first one, under value field settings, select Total number, and add custom name "Total #."
 - ii. For the second one, select percentage (show the value as the % of column total), and add custom name "% of total."
 - iii. For the third one, select Average, and add custom name "Avg." For everything I confirmed it was 2 decimal places.
- 6. Create the summary slides with quarterly data by adding the #s to the end of the graph
 - a. Component data as part of DOJ as a whole
 - i. XXX comprises XX% of the requests submitted to DOJ, and XX% of DOJ's overall backlog
 - b. Backlog, % of requests that are backlogged, + increasing/decreasing compared to last FY
 - c. Simple Track Processing Times, % of requests in simple track
 - i. Compare to complex processing times – are requests being misplaced in track?
 - d. Requests received by quarter + increasing/decreasing compared to last FY
 - e. Requests processed by quarter + increasing/decreasing compared to last FY
 - f. Breakdown of processing times by dispositions to see which have highest average number of days to process
 - g. Staffing compared to requests processed/backlog
 - h. OIP specific
 - i. Appeals received/processed
 - ii. Which components had influx
- 7. Email OIP component liaisons to everyone lay out what want all liaisons to do and then email separately if set up meeting with component
 - a. Component liaison is responsible for the following
 - i. Auditing component website using checklist
 - ii. Surveying components on implementation of interoperability plan/API set up
 - iii. Handling component meeting logistics, meeting time
 - b. Review findings and get input on causes, concerns, questions
- 8. Meet with components
 - a. Follow-up on issues from last year
 - b. Discuss trends identified this year, causes, and potential solutions/strategies
 - i. Look at Q1-2 for FY20 to show where at as far as reducing backlog and processing requests compared to FY19
- 9. Document the discussion and next steps
- 10. Follow-up

Website Review

There is a Checklist to use indicating which types of things need to be checked by components on their websites. Traditionally, the component liaisons have done the initial review of the items on the checklist and then they send to the component to update the website, however this could also be done by interns.

Website Analysis

Notes from component meetings are saved in the [Component Improvement Initiative folder](#). Raw data spreadsheets are saved by FY at [G:\Oip\Annual Report\Department of Justice](#).

For Fiscal Years 2012-2015, these spreadsheets are saved individually by component within each year. Beginning with FY 2016 and the new Annual Report raw data requirement, accessing this information should be easier as the full Department data set will have to be compiled. If you're looking to analyze data from 2012 to 2015 AND 2016 forward, some amount of formatting will need to be done as the spreadsheet format changed between FY 2015 and 2016.

For analysis purposes, it is recommended that moving forward a copy of the Department's raw data is saved as one complete file with a new column added titled "Reporting Year" and subsequent years' worth of data added to this master file. This will allow for easy and quick analysis across fiscal years from a single source instead of having to run the same or similar calculations in multiple files or sheets.

Quarterly data going back to the first set of reports in FY 2013 is available in the spreadsheet titled "DOJ Cumulative Quarterly Data" at [G:\Oip\Quarterly Reporting](#). Within the file, there are also separate analysis columns and sheets. In the individual "FY" tracking spreadsheets, the yellow column for each data point is available to add together the 4 quarters worth of data (for received and processed) or to note the 4th quarter data point (for backlog). In the individual "FY" tracking spreadsheets, the purple column for each data point is available to see the difference between two data points (usually the most recent quarter with the quarter preceding it). This can be done by inputting the formula " $=\text{column1} - \text{column2}$ " into the first purple cell for OAG and copying it through the rest of the column. For example, when comparing quarter 2 data to quarter 1, the formula would be " $=d3-c3$ ".

There are also individual sheets to track the three data points by quarter, to compare figures by quarter and by fiscal year. In these sheets there is also a purple column to calculate the difference between the most recent year's quarterly data. Within each of these sheets, a new column will need to be added for each quarter for each new fiscal year. Most data can be analyzed just using the information available in the raw data spreadsheets and the quarterly data. Usually all it takes is to create a chart or graph of the data points to analyze trends. Charts formatted as slides for Annual Report and Quarterly Report tracking (as seen on the bulletin board outside of my office) are saved in the file as "Slides for Bulletin Board" at [G:\Oip\Quarterly Reporting](#). To edit these charts, right click on each one and select "Edit Data".

To review individual component data in the same way as these quarterly slides, the file titled "Sample Quarterly Analysis Stats for Individual Component", located in the Component Improvement Initiative folder at [G:\OIP\Component Improvement Initiative](#) can be updated for any component. To edit these charts, right click on each one and select "Edit Data". Some data needs to be calculated individually from the available information. This is commonly requested because the Component Improvement Initiative is processing time figures in various contexts (by disposition, time pending at the end of the FY, etc.). Figures can be calculated using the formula for Net Working Days in Excel. However, there could be additional ways of viewing the data, and usually the only way to determine this is

trying new ways of looking at the data. Save a copy of any information as a test spreadsheet and use formulas in Excel or Pivot tables (or both) to see if there are any interesting findings from the data.

Self-Assessment Toolkit Updates

OIP published a FOIA Self-Assessment Toolkit in 2017. The Toolkit consists of modules that cover each stage of the FOIA process. It is designed for agencies to self-assess their FOIA programs to ensure they are meeting statutory requirements and to identify areas for improvement. The Toolkit should be updated to reflect changes in FOIA law and policy. The Compliance Team is responsible for maintaining the Toolkit and working with the Director to make updates as needed.

All files are maintained at <G:\OIP\Compliance Staff\Self Assessment Toolkit>

The 2020 update includes adding modules for Proactive Disclosures and Administrative Appeals, as well as providing a fillable spreadsheet for agencies to use when completing the self-assessment.

Section 5 – National FOIA Portal / FOIA.gov

Online Request Portal

The FOIA Improvement Act of 2016 directed the Office of Management and Budget (OMB) and DOJ to build a “consolidated online request portal that allows a member of the public to submit a request for records . . . to any agency from a single website.” In April 2017, the Office of Information Policy (OIP) announced its partnership with the General Services Administration’s (GSA) 18F team to create the National FOIA Portal.

The portal was developed with a user-centric focus relying heavily on both public and agency feedback throughout the entire process. In addition to the features already available on FOIA.gov, like, agency FOIA data and contact information, the new National FOIA portal provides customized forms for each agency to help requesters understand and submit requests more easily. The site also provides insight into the FOIA process including what to do before submitting a FOIA request, how to submit a request, and what happens after submitting a request. The site also centralizes and provides a wealth of agency specific resources that are helpful to requesters, such as a description of each agency and links to their FOIA website, FOIA Reference Guide, FOIA regulations, and the FOIA Library.

Over one hundred agencies are subject to the FOIA, and those agencies received over 800,000 requests this past fiscal year. This portal serves as an important resource for both requesters and agencies alike.

Recent updates to the National FOIA Portal include the launch of an Annual FOIA Report tool for agencies in 2019, an updated data tool in late 2020, and exploration of future linkages of agency FOIA Libraries. Additional information regarding how to monitor the National FOIA Portal Email account and test website updates and releases is located within in the National FOIA Portal Administrator Guide located on the shared drive: <G:\OIP\Compliance Staff\National FOIA Portal>.

URLs

- Production/live site: <https://foia.gov/>
 - This is the public-facing site that public user's access.
- Staging site: <https://stg-admin.foia.gov/>

- This is the site that OIP uses to troubleshoot and test enhancements before they are deployed to the production site. This site can also be used for training and demonstrational purposes.
- Admin site: <https://admin.foia.gov/>
 - This is the site that agencies log into (any changes here will be live on the public page).

Line of Business Contributors

The National FOIA Portal is funded by the agencies with the highest number of requests each year. The Contributors meet annually to review the costs and site updates for upcoming fiscal year. The Charter and Contributor Meeting slides can be found here: G:\OIP\Compliance Staff\National FOIA Portal\Contributors Meetings.

Agency Agreements: Authority to Operate FOIA.gov, ISAs, IAAs, Max.gov MOU, and FOIA.gov Privacy Assessment

The Authority to Operate (ATO) is determined based on the privacy and security risk assessments for FOIA.gov. Currently the ATO is authorized for a three-year term because the risk is deemed “Low” and the operational need for the site is a priority. The signed ATO and accompanying memo can be found here: G:\OIP\Compliance Staff\National FOIA Portal\ATO.

Interagency Security Agreements (ISA) outline the parameters for the site’s security.

Interagency Agreements (IAA) or form 7600A allocate funds for various FOIA.gov projects. This form is signed by OIP’s Director prior to commencing development or discovery projects with outside contractors for the FOIA.gov site. Copies of IAAs can be found here: G:\OIP\Compliance Staff\National FOIA Portal\IAA’s

Max.gov Memorandum of Understanding provides for the partnership between FOIA.gov and Max.gov, which ensures Agency Administrator and Agency Manger users have a secure means of logging into FOIA.gov. These MOUs are updated each year and can be found here: G:\OIP\Compliance Staff\National FOIA Portal\Max.gov MOU.

An Initial Privacy Assessment (IPA) is the first step in a process developed by OPCL to assist DOJ components in the development and use of information systems. Specifically, the IPA is a tool used to facilitate the identification of potential privacy issues; assess whether additional privacy documentation is required; and ultimately, to ensure the Department’s compliance with applicable privacy laws and policies.

The IPA asks a series of basic questions, the responses to which are reviewed and assessed by the component to identify privacy concerns that may necessitate changes to the system and to determine whether additional privacy analysis and documentation are required, such as a system of records notice (SORN), a collection notice under the Privacy Act, or a Privacy Impact Assessment (PIA) under the E-Government Act. Once the component has completed and reviewed its responses and made its recommendation, the completed IPA shall be sent to OPCL, recommending whether a PIA and/or SORN is required. Once OPCL has received the completed IPA, it will make a final determination whether additional privacy documentation is required.

The FOIA.gov Privacy Assessment can be found here: G:\OIP\Compliance Staff\National FOIA Portal\Privacy Assessment.

Agency Administrator Guide

OIP and CWS users are the Agency Administrators for FOIA.gov. Agency Administrators are able to create, block, and edit agency manager accounts; add, remove and edit Annual and Quarterly FOIA Reports; view requests and resend failed requests; add, unpublish and edit agency/component pages; and run interoperability status reports for all agencies.

The “National FOIA Portal Agency Administrator Guide” details all the facets of FOIA.gov that Agency Administrators have access to including step-by-step instructions and screenshots for each task. This Guide can be found here: G:\OIP\Compliance Staff\National FOIA Portal\Agency Manager Guide.

Agency Manager Guide

Each agency, including decentralized agencies, has one (in some cases several) Agency Managers. OIP users are the Agency Managers for DOJ and its components. Agency Managers are responsible for updating their agency/component information and contacts. To do so, they are given FOIA.gov Agency Manager accounts.

Agency Managers can log into FOIA.gov using PIV, two-factor Max.gov authentication, or FOIA.gov username and password. The Agency Manager Guide provides step-by-step instructions and screen shots detailing how Agency Managers can log into FOIA.gov and update their agency and component information. The “National FOIA Portal Agency Manager Guide” can be found here G:\OIP\Compliance Staff\National FOIA Portal\Agency Manager Guide. This Guide should be provided to all new Agency Managers when their account is created.

Interoperability Requirement

The FOIA Improvement Act of 2016 required creation of a consolidated request portal and tasked OMB with establishing standards for interoperability between the portal and agencies' tracking systems. [See 5 U.S.C. § 552\(m\)\(1\)-\(2\) \(2018\)](#). In March 2018, DOJ [launched the National FOIA Portal on FOIA.gov](#). In February 2019, [DOJ and OMB issued joint Guidance](#) regarding the timeline and requirements for interoperability with FOIA.gov. Agencies subsequently submitted their plans for becoming interoperable in line with the guidance, which requires agencies with automated case management systems to become interoperable via API by the end of Fiscal Year 2021. Your agency's plan indicated that some or all your agency's components would become interoperable via API. If you are receiving this email, one or more components have not yet implemented API integration.

Agencies must become interoperable by the end of FY2021 unless they seek and are granted an exception from DOJ and OMB. If granted an exception, an agency would have until FY2023 to become interoperable. If your agency currently has a redirect link set up, the agency will be required to establish full interoperability by FY2021 unless granted an exception.

Agencies transitioning from email or redirect to an API will work with their case management system developer to create and test the API following the specifications on the [FOIA.gov Developer Page](#). The API

enables requests submitted through the portal to load directly into your agency's tracking system for processing.

Each agency has at least one Agency Manager that has access to make updates to the agency/component page(s) in FOIA.gov. Agency Managers are responsible for updating the API fields in FOIA.gov.

OIP helps with testing the API once the API is created.

The steps documenting how to enable the API are included in the "Updated Steps to Enable API" and saved here: G:\OIP\Compliance Staff\National FOIA Portal\Agency Manager Guide.

FOIA.gov ForeSee Survey

ForeSee is a user experience survey that pops up anytime users navigate to more than one page of FOIA.gov. There is a set of standards survey questions and a set of customized questions asked of users who rank their experience on the site and provide narrative feedback. This data is then aggregated and displayed on customizable dashboards and reports on the Verint site so that OIP can make informed decisions and prioritizations for site improvements. A list of survey questions and email documentation for this survey can be found here: G:\OIP\Compliance Staff\National FOIA Portal\ForeSee.

Annual Report Tool for Agencies and the Public

In 2019, OIP launched the Annual Report Tool in FOIA.gov so that agencies could submit their annual report data to OIP for clearance, replacing the macro-enabled workbook process previously used since 2008. The Annual Report Tool enables agencies to enter their report data manually or to upload an XML from their tracking system to populate the data fields. A series of validation checks are done in FOIA.gov. Subsequent manual validation checks are also completed by the Compliance Team prior to clearing the reports. Once cleared, the tool generates an XML and word version of the report, which OIP provides to agencies. Each year OIP publishes an Annual FOIA Report Handbook on the [OIP Reports page](#) that includes guidance and instructions for agencies to complete their Annual FOIA Report.

FOIA.gov also enables the cleared reports to be published on FOIA.gov's [Annual Report Data Tool](#) for the public and agencies to view. The Annual Report Data Tool can be filtered by Agency/Component(s), any data type(s) in the Annual Report, and all years that Annual Reports were collected from 2008-present fiscal year. This data can be viewed in FOIA.gov as a table or downloaded as a .csv file. Historical XML data for each agency is also available for download on the FOIA.gov [Developer page](#).

Quarterly Reports for Agencies and the Public

In 2021, OIP launched the Quarterly Report Tool in FOIA.gov to that agencies could submit their quarterly FOIA report data to OIP for publication. This replaced the previous 2013 FOIA.gov/xmlgen tool agencies used to submit their quarterly reports according to OIP's [Quarterly Report Guidance](#). The Quarterly Report Tool enables agencies to enter their report data manually for each of the required data fields and submit the information to OIP for publication. The tool then enables agencies to download a word version of the quarterly report for posting to the agency website. This tool eliminates the need for agencies to post the quarterly data .zip file to the agency website so that FOIA.gov could pull the data, rather the data is stored directly in Drupal.

FOIA.gov also enables the cleared reports to be published on FOIA.gov's Quarterly Report Data Tool for the public and agencies to view. The Quarterly Report Data Tool can be filtered by Agency/Component(s), any data type(s) in the Quarterly Report, and all quarters from Q4 FY2021 forward. This data can be viewed in FOIA.gov as a table or downloaded as a .csv file. Historical quarterly data for each agency is also available for download on the FOIA.gov [Developer page](#).

Section 6 – FOIA STAR

FOIA STAR is OIP's tracking system. It is an Entellitrak system that was customized for us by Tyler Technologies (formerly Micropact). OCIO holds the contract with NTT Data, who subcontracted with Tyler Technologies. General user guides, instructions for creating user accounts, and rules of behavior are saved at [G:\OIP\FOIA STAR](#). Documentation for making Administrator changes to the system is saved at [G:\OIP\FOIA STAR\Administrators](#). Other files from the discovery and development process are saved at [G:\OIP\lroberts\MicroPact](#).

Points of Contact

- Lindsay is OIP's primary point of contact with NTT/Tyler and OCIO.
- OCIO points of contact:
 - Neal Roeschlein
 - Peter Crichlow
- NTT Data/Tyler Tech:
 - Kerry Gray (senior NTT POC, level for escalation): (b)(6)
 - Nathan Miller (developer, main POC to report issues): (b)(6)
 - John Ellis (data migration): (b)(6)

If there are problems with the system, email Nathan Miller with Kerry Gray copied. There are biweekly status meetings with Kerry and OCIO where any outstanding issues can be addressed.

URLs

- Production/live site: doj-foia.entellitrak.com
 - This is the site that OIP, component, and public users log in.
- UAT site: <https://etk-uat.entellitrak.com/etk-doj-foia-uat/home.do>
 - This is the site that OIP uses to test enhancements/fixes before they are deployed to the production site. This site can also be used for training/demo purposes.

Process for Reporting Problems

- OIP user reports issue to Lindsay or Adrienne. To extent feasible, Lindsay or Adrienne tests or otherwise confirms that the issue is a valid one. (Occasionally, the "issue" seen by the user is the result of human error or not understanding the logic in the system). If there was a system error, a full screenshot with the error expanded should be captured.
- Email Nathan, describing the issue and include any screenshot. If resolving the issue requires a "container restart" with short downtime, this should ideally be done at off hours, but can be done as soon as feasible if it is impacting critical functionality (such as the ability to sign documents).

- If the issue is a bug requiring development, the timeline for fixing may depend on what is needed to fix. Depending of the urgency of the issue, it may be fixable as a "hot fix" without a scheduled deployment, though it is not best practice to make such fixes.
- Enhancements (i.e., not bugs), generally require more time, testing, and a separate deployment.

Updates & Enhancements

OIP Administrator users have the ability to make certain updates to the system. Instructions for making such updates is saved at <G:\OIP\FOIA STAR\Administrators>. **For tracking purposes, no Administrator updates should be made without Lindsay's or Adrienne's awareness. All updates must be logged in the spreadsheet saved in the same folder.**

Section 7 – OIP Website, Twitter & Blog

OIP Website Updating

Various information requires regular updating on OIP's DOJ-hosted www.justice.gov website. The Department uses Drupal, a free and open-source content management framework, for its web content management.

Posting Content in Drupal

- Instructions and manuals for using the Department's web content management software (Drupal) are available on [DOJNet](#).
- All Compliance Team members have access to Drupal, as well as Bobby and Laurie.
- Lindsay and Laurie have content and group administrator rights, meaning they make changes to the landing page (i.e. justice.gov/oip) as well as assign roles within a group.
- Josh has publishing rights, meaning he can publish or un-publish pages.
- Karen, Nakeitha, and Adrienne have contributing rights, meaning they can add or change content but not publish anything live or un-publish any current content.
- Bobby has reviewing rights, meaning he can see draft content as well as live content but cannot edit or publish

New Users

- Anyone can get access to Drupal by:
 - Visiting <https://edit.justice.gov/>
 - Clicking the "Federated Log In" link
 - Selecting "JMD" as the DOJ Identity Federation Component and
 - Reading and accepting the Rules of Behavior
 - Once they have created an account, either Collaboration and Web Services (Gail Solomon and Cathy Flanagan) or Lindsay can add a user to the OIP site
 - Go to <https://edit.justice.gov/oip>
 - Select "Group" under the OIP black banner
 - Select "Add People"

- Enter the user’s email address (public facing address, not the one that ends (b)(6))
- Select “content creator” for role (will be the same for most people)
- Select “Add Users”

Existing Users

- Existing user roles can be updated as well, but we do want to keep the number of publishers limited
 - Go to <https://edit.justice.gov/oip>
 - Select “Group” under the OIP black banner
 - Select “People”
 - Select an individual and choose an “Operation” from the drop-down menu
 - Follow instructions from there

General Content

- All content (live, recently updated, and drafts) can be seen from the “My Workbench” menu at the top of <https://edit.justice.gov>
 - Most content exists as “basic” pages, meaning they are easy to update
 - Visit <https://edit.justice.gov/oip>
 - Navigate to a basic page using the sidebar on the left of the screen
 - Select “New Draft” on any page to make an edit to a basic page

Posting OIP Guidance

Guidance Piece

- Create a “basic page”
- Put “OIP Guidance” in the title field
- Organization is OIP
- Copy and paste the text of the guidance into the “Body” field, including the title
 - Title
 - Center and bold the title of the guidance
 - Highlight the title and select “Format” on the left side of the ribbon and then “Heading 3”
 - Remaining content will be formatted as “Normal”
 - Subleaders for guidance should be in Bold
- Under “URL Path Settings”
 - Uncheck the box titled “Generate automatic URL alias” (if checked)
 - In the “URL alias” field type “oip/oip-guidance/[title_of_guidance]”
- Under “Context,” select “no_right_sidebar”
- Hit Save
- Review the guidance, make any edits necessary (if any), hit “needs review” send the link to individual with publishing rights
- Make sure to add a link to any checklist or reference document as well in creating this page (see the recent Decision Tree guidance on Fees for a reference”

“Guidance” Page

- A link for the new guidance will need to be added to the guidance page under the appropriate year and in appropriate order
- On <https://edit.justice.gov/oip/oip-guidance>, select “New Draft”
- Under the appropriate year (category), type in the title of the guidance and date of publication
- Highlight the title and select the “chain link” icon (link), copy and paste the link to the guidance into the pop-up field
 - This can be the “edit.justice.gov” link, it will go to the live public link once both pages are public
- Review page, make any edits necessary (if any), hit “needs review” send the link to individual with publishing rights
- When publishing a new guidance piece, the order of “publishing” for pages is:
 1. Guidance Piece (and any reference document)
 2. Guidance Page
 3. Blog Post

Reports Pages

- Reports Landing Page
 - The listings of the individual years under each of the report headers are formatted as tables
 - When adding a new year of reports (for example, FY 2021 Annual Reports) or a new yearly report (for example, DOJ Annual Report), the links in the tables need to be moved over one cell to accommodate the new year
 - This must be done individually as you cannot copy and paste a row and move over all the contents in Drupal
 - This set up is only necessary as we have the tables set up in reverse chronological order with the most recent year as the most recent link; if we change this to the chronological order and add the newest year to the end of the table we can take this step out
- This page is updated only a few times a year with:
 - Any new guidance for Annual or CFO Reports,
 - New DOJ Reports (Annual, CFO, Lit and Compliance),
 - Agency report links page (Annual and CFO),
 - Annual Report Summary,
 - Summary of CFO Reports,
 - Success Stories, and
 - Reporting Deadlines for that year
 - We remove old reporting deadlines as they have been completed
- Whenever the page is updated, review page, make any edits necessary (if any), hit “needs review” send the link to individual with publishing rights

Creating a New Agency Report Link Page

- In one browser window, go to the most recent Annual Report or Chief FOIA Officer Report agency listing
 - Select all the content from the “Note” to the bottom and hit copy
- In another browser window, create a new “basic page”
- In the new basic page in the body, hit paste
 - All the agency names and links will appear
- Highlight all the agency names and select the chain link icon with the “X” symbol (break link)
- This will break all links and just leave the agency names
- You can then add all new report links to this agency list
 - For Annual Reports, this will also leave the “(XML)” field for the open format links
 - Some cleanup will have to be done as some agencies are not on “.gov” sites and copying a link will also include an “external link icon” notification that will need to get removed
- Review page, make any edits necessary (if any), hit “needs review” send the link to individual with publishing rights

OIP's FOIA Library

Generally, Laurie Day is responsible for making any updates to OIP's FOIA Library. The below information is included in the Compliance Handbook for reference. Located at <https://edit.justice.gov/oip/available-documents-oip>

General

- IR will send a document to be posted to the FOIA Library
- If they do not provide this information when sending, ask for the following:
 - Where should it be posted (FOIA-Processed or Operational Documents, and what subcategory within either of those)
 - Title of Link (might be self-explanatory depending on document)
 - Date of Document (might be self-explanatory depending on document)
- Make sure document has gone through OCR and add any appropriate metadata in Adobe in the “Properties” field
- Send the document to the Service Desk
- Upload the document to the Library in line with the instructions from IR using the process outlined below for attachments
- Review page, make any edits necessary (if any), hit “needs review” send the link to individual with publishing rights

OSG Letters

- OSG sends § 530D letters for posting in our FOIA Library as they are technically Attorney General documents

- o They will send them directly to whoever is designated for posting material
- o Letters will be uploaded to <https://www.justice.gov/oip/letters-submitted-congress-pursuant-28-usc-%C2%A7-530d>
- o A new row will need to be added to the table, with information from the letter used to fill out the columns from the table (date of letter, case name, case citation, court)
- o Make sure document has gone through OCR and add any appropriate metadata in Adobe in the "Properties" field
- o Send the document to the Service Desk
- o Upload the letter to this page in line with the process outlined below for attachments
- o The URL alias for the letter needs to be "oip/foia-library/osg-530d-letters/{mm_dd-yyyy}"
 - The date in the URL is the date on the letter
- o The link for the letter will be the case name in the table only
- o Review page, make any edits necessary (if any), hit "needs review" send the link to individual with publishing rights

FOIA Logs

- o Doug sends copies of the IR FOIA Logs directly to whoever is designated for posting material
- o From the file he sends, copy, and paste the content into file titled "Blank Logs Template (FOIAonline)" at G:\Oip\IR Staff\Copies of Final Response Letters
- o Save the file as a new document using the naming convention "Closed FOIA Log – [Month] [Year]"
 - Examples of previously saved logs can be found at G:\OIP\Compliance Staff\Website Postings\Posted FOIA Logs
- o Format the log so that the office name is an acronym and add orders around all the content
- o Update the header so that it has the appropriate month listed
- o Add in appropriate metadata in the Properties field
- o Save the document as both a PDF and a CSV file
- o Upload both logs to this page in line with the process outlined below for attachments
- o When inserting into the table for FOIA Logs, the month name will be the PDF version of the log and the "CSV" will be the open format file
- o The URL alias for the logs will be:
 - oip/foia-library/closed_foia_log_{month}_{yyyy} (PDF)
 - oip/foia-library/closed_foia_log_{month}_{yyyy}_csv (CSV)
- o When a new year starts, a new table needs to be added either by creating a new table or copying one of the previous tables and removing all the links
 - So as not to highlight if we are delayed in posting, the only months that should appear on the site are the ones that have logs available

- (e.g. if we have not posted November 2020, there shouldn't be a non-link "November" in the 2020 table)
- Review page, make any edits necessary (if any), hit "needs review" send the link to individual with publishing rights

Court Decisions

Andy distributes weekly summaries of significant court decisions via email, which we display at <https://edit.justice.gov/oip/court-decisions-overview>. As close to as when he sends these around as possible, they should be added online.

- To do so:
 - Go to "My Workbench"
 - Create content
 - Court Decision
 - In Create Court Decision
 - Title – Case Name
 - Language – English
 - Organization – OIP
 - Date – Date of Decision
 - Topic – hold for now
 - Body – Decision summary
 - Paste the case name as the first line of the body, put this in bold
 - Remove underline from case name
 - Remove extra spaces between paragraphs
 - Remove extra space after "Re:" and "Disposition:"
 - Italicize "Re:" and "Disposition:" (not the whole line, just those words)
 - Put in a hard return after each bullet paragraph (SHIFT+RETURN)
 - Topics
 - Select each topic bulleted in the decision summary
 - Also need to tag the type of court (District or Appeal)
 - Scroll to bottom
 - Hit save
 - In middle section in yellow, hit "apply"
 - End of this decision, start back at top of list
- When done publishing each set of decisions, review page, make any edits necessary (if any), hit "needs review" send the link to individual with publishing rights

Training Page

Located at <https://edit.justice.gov/oip/training>

- Most frequent updates to this page will be the dates of events during each fiscal year, but this should also be the location where all training materials are uploaded/created first and then linked to at other pages

- When adding new dates to this page
 - Click “new draft”
 - Scroll down to the end of each course
 - Under “FY [YYYY] Dates:” input the date of the course and when registration will begin (in italics, if applicable)
- When a new slate of dates is announced for the new fiscal year, the “FY [YYYY] Dates” will need to be updated with the new fiscal year

Best Practices Page

Located at <https://edit.justice.gov/oip/best-practices-workshop-series>

- Specially formatted page compared to a lot of our pages
- Two items will need to be regularly updated on this page: Dates and Recaps
 - When adding new dates to this page
 - Click “new draft”
 - Topics and dates will need to be added under the “future dates and topics” headline at the top of the page
 - When adding a new recap to this page, start at end of the last entry
 - Click “new draft”
 - Add in the title and date of event in bold (select “Formatting” from the ribbon and select Heading 2)
 - Next line is the “Event Recap” with a link to the FOIA Post recap
 - The table with panelists and icon are formatted for use with the icon, would recommend copying and pasting a previous table and icon to maintain formatting, and update with panelist names and organizations
 - List of best practices discussed
 - List of Additional Resources
 - Include publication dates for all resources
- After making any updates to Date or Recaps, hit "Save"
- Review page, make any edits necessary (if any), hit “needs review” send the link to individual with publishing rights

DOJ Guide to the FOIA

Presently, Andy Fiorillo leads the efforts to coordinating Guide updates. There is a rotating, 2-year schedule for regular chapter updates. The goal is to implement more regular and recent changes in case law, owing to increased FOIA litigation. Guide files are saved at [G:\OIP\Guide](#). Generally, assigned authors (based on areas of expertise) update the Word Guide files and review to see if any links should be added to the footnotes for guidance, documents, or court decision summaries. It's always good to also check to make sure that formatting is consistent as lots of colors, fonts, and sizes are used during the writing and review process. While Laurie Day, Assistant to the Chief of Staff, typically posts updates to Guide files, if Compliance ever needs to post an updated chapter, the Word file should first be converted to a PDF file. The PDF should be posted utilizing the instructions outlined in the "Replacing an Existing Attachment" section.

- Located at <https://edit.justice.gov/oip/doj-guide-freedom-information-act-0>

- On the Guide page itself, the content that needs to be updated when a new section is updated/uploaded is the table of contents listing and the file itself with the section
- The table of contents listing will need to be updated with page numbers if anything changes, but the individual links themselves all go to the section as Drupal was not originally set up to link to distinct pages within a PDF
- When adding a new section or updating previous one, add the file to this page in line with the process outlined below for attachments
- Most sections should be uploaded as new attachments with a new URL, and redirects should be set up from old URLs
- Once a new section has been updated, hit save, review page, make any edits necessary (if any), hit “needs review” send the link to individual with publishing rights

Key Dates (to be retired from the website)

Located at <https://edit.justice.gov/oip/key-dates>

- If maintaining this page, events need to be broken down into training events/workshops and general events each year, and listed in reverse chronological order
- Once updated, hit save, review page, make any edits necessary (if any), hit “needs review” send the link to individual with publishing rights
- At the end of each year, all events need to get moved to the past events page at <https://edit.justice.gov/oip/past-oip-events>
- Due to the number of events we participate in each year and our limited use of this page, it continued publication should be examined unless a new format can be established
 - This was originally envisioned as a calendar
 - There is a Timeline function to Drupal that could be used so that only new events need to be added and no past clean-up needs to happen but this only goes down to the year level, not month, meaning all of our events would appear to be happening at once even if spaced out over the year
 - Ex: <https://www.justice.gov/enrd/timeline/historical-timeline-key-organization-events>
 - The use of this feature would be extremely helpful as it would mean if we continue posting these events, material only needs to be looked at moving forward instead of cleaning up any material looking back

Event Boxes

The “Key FOIA Dates” box on our is set to auto-update with events that are scheduled.

- To add a new date
 - Go to “My Workbench”
 - Create content
 - Event

- Title – Title of Event
 - Organization - OIP
 - Date & Time
 - For single day events, uncheck “Show End Date”
 - Input day of event, with the time always being at the end of that date (means it will stay visible until the end of the day)
 - City – Washington
 - State – DC
 - Event Type – Select from Drop Down
 - Event Link – Link to page (for training events) or Blog Post
 - If clicking on the link within the events box, this will then take them to that page
 - Event Audience – Select from the radio buttons
- Hit Save, review page, make any edits necessary (if any), and hit “needs review” to send the link to an individual with publishing rights

Posting the Department’s Annual FOIA Report

- On the Reports page, add a new button for the report for that FY under the banner of “Department of Justice Annual FOIA Reports”
- Go to <https://edit.justice.gov/oip/annual-foia-reports-fy-2019> and in the edit screen, copy the body of this page
- Create a new basic page
 - Title – Department of Justice Annual FOIA Report – FY [YY]
 - Body – paste the body from the previous FY’s page
 - Highlight all the links on the page and click the chain link with the “X” button (break link)
 - Follow the instructions below for uploading attachments to upload all fourteen files to this page (1 XML, 1 PDF for the full report, 12 PDFs for the individual sections)
 - Hit save
- Once basic page is created, link to that page from the “FY [YY]” text on the Reports page

Media

Media includes pictures, graphics, and all things that will appear on a page but are not an attachment.

- Adding new media
 - When editing any page, scroll under “Images” and under “Attach Media” Hit Browse
 - A pop-up will appear when you can drag and drop files or select “Add Files”
 - Add attachments

- Approved file types are listed in this pop-up, all major photo file types are permitted
 - Files need to be less than 2MB; when uploading there is a “size” column so that it is clear how big an image is that is being uploaded
- Once files are added, select “Start Upload”
- When uploaded is completed, select “Next”
- In the next screen
 - Select OIP as the Organization
 - Insert the Name, Alt-Text, and Title Text for Photo
 - Do not need to add a Credit for our photos but for any picture provided by an outside source, be sure to ask that source if this is needed (such as PAO)
 - Insert a caption on a case by case basis
 - Doesn’t make sense for all pages, so see how it looks and what the photo is; can always review
 - Add to all images in FOIA Post articles
 - Hit Save
- The image will now appear in the “Images” head on the edit page
- Select with the cursor in the “Body” field where you want to add the picture
- Scroll down to photo and select “Insert”
- In the pop-up that appears
 - Choose an “Image Width”
 - Might need to see the draft and revise multiple times to find the right size
 - Select an “Image Alignment”
 - Depends on the size of the photo
 - Select Submit
- Make sure the photo is in the appropriate place in the text
- Hit Save
- Editing a Current Photo
 - If looking to crop a photo, need to do this outside of Drupal
 - Opening a photo in “Microsoft Paint” will let you crop and resave a photo
 - If needing to adjust size or alignment
 - Right click on the image in the body of the page and select “Media Settings”
 - This will open the pop-up to allow you to change the width, alignment, and other fields
 - If needing to do anything else with a photo, might be easier to remove the photo and start again

Attachments

- Uploading a New Attachment
 - When editing any page, scroll under “Attachments” and under “Attach Media” hit “Browse”
 - A pop-up will appear when you can drag and drop files or select “Add Files”
 - Add attachments
 - Approved file types are listed in this pop-up
 - While Microsoft Office formats are accepted, CWS asks that we refrain from posting documents in these formats unless absolutely necessary
 - When posting an Excel file, aim to post as a CSV file; however, if the Excel file contains multiple sheets (like the used Ex. 3 charts and the CFO Report Assessment) you’ll need to post in the native Excel format as CSV files do not allow multiple sheets
 - Once files are added, select “Start Upload”
 - When uploaded is completed, select “Next”
 - In the next screen
 - Select OIP as the Organization
 - Provide a document name and link text
 - Should be the same
 - Link text will be what is displayed actually on the page
 - Under Additional Settings
 - Provide a URL alias that starts with “oip/” – this should provide the page where the attachment is being posted and the document name. Ex:
 - oip/training/foia_amendments_training_aug_2016
 - oip/foia-library/closed_foia_log_october_2016
 - oip/foia-library/ag-cal-september2011
 - Hit save
 - The file will now appear under the “Attachments” heading on the edit page
 - Provide a description of the document (link text works)
 - Highlight or place the cursor in the Body of the page where the attachment should go, scroll back down to the attachment, and select “insert”
 - Hit save and follow the instructions for the page you are updating as outlined above

Replacing an Existing Attachment

- Under “Attachments” find the attachment that you want to replace
- On the right side of that attachment, select “Edit Original File”

- o In the pop-up that appears, go to “Replace File” and select “Choose File”
 - Navigate to your file
 - Hit Select
- o Hit Save in the pop up then save on the page, and follow the instructions for the page you are updating as outlined above
- o Replacing an existing attachment in this way will let you maintain the URL moving forward instead of having to set up a redirect or update links in other places for attachments that are regularly updated (Ex. 3 chart, Guide Chapters, etc.)

PDFs

- o Generally, all attachments need to be sent to the DOJ Service Desk (in the global address book) prior to being posted online for a final 508 scrub
 - The exceptions are for open format files and the FOIA Logs
- o For any attachment that includes images, charts, graphs, etc., that we created, we need to add “alternative text” to all these items in Word or Adobe
 - For example, pictures in Word may be edited by right clicking on the picture and selecting “Format [object]” and selecting “Alt-Text” underneath the “Layout & Properties” tab on the right side of the screen
 - For graphs or charts, all the data points need to be added to the alternative text
- o This will speed up the process of getting the files cleared by the Service Desk
- o For all attachments that have been scanned in prior to sending it to the Service Desk (e.g. it was not converted to PDF from an application, it was printed and then scanned), be sure to OCR the document first
- o Previously posted documents are saved <G:\OIP\Compliance Staff\Website Postings>

Past OIP website Content

- o Generally, all content to appear on OIP’s sites are saved at <G:\OIP\Compliance Staff\Website Postings>
 - This is for both OIP sites and FOIA.gov
 - Exceptions are for when another staff member drafts content and then uploads it directly to Drupal

Best Practices for posting OIP website content:

- o Draft all content outside of Drupal

- Helps with spelling and grammar checks
- Post once; Link a lot
 - We can link to documents, attachments, or pages however many times we want but we shouldn't create duplicate pages or upload attachments more than once
- It generally takes up to 15 minutes for edits to appear on the page
 - You can try hitting refresh but generally takes that amount of time
- To the extent possible:
 - Do not underline any content; underlines in web style guides generally mean hyperlinks
 - Do not use tables
 - This might not be avoidable but tables in Drupal are hard to format and cause page breaks that are hard to read when printed
 - Limit the formatting with bullets and numbering
 - Drupal is not very advanced so formatting from Word with bullets and numbering might not be able to be carried over into Drupal

Contact Information for DOJ Components

- Updates to Department contact information can come from multiple places
 - Directly from components
 - OIP leadership
 - Liaisons
 - Anyone
- If unclear where the update is coming from (such as if an email from the public comes in asking for an update), can always reach back out the component to verify the change
- When a Department component updates their contact information, there are three places where the information needs to be updated:
 1. "Find a FOIA Contact" - <https://edit.justice.gov/oip/find-foia-contact-doj/list>
 - Select "Edit Organizations"
 - Find Component and select "Edit"
 - Update information
 - This page shouldn't require a "publisher" to update to go live, but double check
 2. Reference Guide - <https://edit.justice.gov/oip/doj-reference-guide-attachment-b-listing-and-descriptions-department-justice-components-foia>
 - Select "New Draft"
 - Find information to update on the page and update
 - Hit save

- Review page, make any edits necessary (if any), hit “needs review” send the link to individual with publishing rights
3. Intranet Site - <https://dojnet.doi.gov/oip/consultation-referral.php>
- Only for consultation/referral purposes
 - Updates for this will need to be sent to Karen Drayne in the global address book
 - See instructions for updating the Intranet site below

OIP (a)(2) postings for the Annual Report

The OIP (a)(2) figures gathered for Annual Report purposes are typically compiled by the Assistant to the Chief of Staff (Laurie Day). She maintains an Excel tracker for records requests proactively disclosed directly on our website. Her methodology is outlined below.

Number of Records Posted by the FOIA Office

- Count the number of guidance pieces posted within the fiscal year, including implementation checklists or templates.
- Cross reference the number of records sent to the DOJ Web Desk for final 508 clearance with (a)(2) categories (e.g. see what was sent to the web desk to determine if it fell within an (a)(2) category) with a count of all postings that fell within an (a)(2) category.
 - Example: AG Calendar would fall under frequently requested but an update to a [Guide](#) chapter would not fall under an (a)(2) category, though they were both sent to the Web Desk.
- Count the number of FOIA Logs posted within the Fiscal Year (if not sent to the Web Desk)
 - Not all need a 508 scrub prior to posting as we make them accessible in the office.
- Record document titles, links, and (a)(2) categories for all postings in a spreadsheet for reference.

Estimate of the Number of Records Posted by the Program Offices

- Request OCIO to run a report in the Department’s web content management system to count the *number of documents* added to a component’s series of websites during the fiscal year.
 - OCIO will provide a report with component, document titles, links, and we will need to fill in with (a)(2) categories for all postings in a spreadsheet for reference
- "Number of documents" data point was used as the content management system does not have a way to determine when a web page (like one of our guidance articles) was first published vs. when it was last modified in an easily retrievable form.
 - Determining this would otherwise require visiting each page to check the modification history to determine when it was first created.

Social Media

- FOIA Post articles have been written by most Compliance Team staff members
- New FOIA Post article links as they are published should be sent to Lindsay, Bobby and our PAO contact (currently Marc Raimondi)
- Accompanying this link should be the link to the tweet
 - See below for information on using the office’s Twitter account

Twitter

OIP’s Twitter account is @FOIAPost. The account’s primary email has been changed to Lindsay. Traditionally, Tweets have been posted to highlight new FOIA Post articles (usually as the title of the post, keeping in mind

character limits), announcements, OIP event participation, resources available online, fun facts, and live-Tweets of meetings. Tweets need to be cleared by Lindsay or Bobby for anything that is non-routine (basically anything other than a tweet of a new FOIA Post article because they have already cleared the title of the post). If a message could be coordinated with the Department's Main Account (@TheJusticeDept), send a message to Marc Raimondi at Public Affairs (or another PAO contact) to have them retweet or send their own message.

Posting a Tweet

Login to OIP's account at <https://twitter.com/> with:

- Username: @FOIAPost
- Password: [Check with Lindsay—she has the current password]
 - Password should be changed every 3 months and should:
 - Be at least 12-15 characters
 - Include upper- and lower-case letters
 - Include numbers
 - Include symbols
 - Not be a repeat of a previous password

Tweets may include a link or tag relevant agencies in the text of the Tweet. Be sure to use Google Chrome, as Internet Explorer is no longer supported. If you include a picture, you may also tag users in a picture using Twitter tag handles.

GO.USA.GOV

If you're attempting to include a link that takes up too many characters, you can register for an account at Go.USA.gov, which is the government link shortener.

Utilizing this resource:

- Allows anyone with a ".gov" email address to create an account
- Helps with the 280-character limit on Twitter
 - For example, "<https://www.justice.gov/oip/blog/assessment-doj-proactive-disclosure-pilot-next-steps-now-available>" can become "<http://go.usa.gov/x3k7F>"

Tweet Retention Policy

Tweets should be captured outside of Twitter as they are posted for records retention purposes. If this does not happen, an archive of all tweets can be downloaded from Twitter at any time using the instructions at <https://support.twitter.com/articles/20170160>. Archived tweet should be saved in the "Tweet Bank from Twitter" folder located at <G:\OIP\Compliance Staff\Twitter\Tweet Bank from Twitter>. At a minimum, new tweets should be archived every 3 months.

FOIA Post Blog Posts

The Compliance Team is responsible for maintaining FOIA Post, OIP's blog. Anytime we issue new guidance, announce new trainings or events, or have other developments in FOIA to announce to agencies and/or the public, we will generally post to the blog.

Blog posts have been maintained in different ways over the years; moving forward there will be a "Blog Posts" folder in the Compliance Team folder where we will keep all blog posts.

FOIA Post blogs are generally drafted by Compliance Staff and reviewed by the Compliance Team Chief and OIP's Director prior to posting. All blogs must first be reviewed and cleared by OIP's Director and then the Office of Public Affairs. Our current PAO contact is Marc Raimondi. When emailing PAO for clearance, the email does not need to be overly detailed, but should explain the purpose of the posting, when we would like to post it, the intended audience, and any anticipated public reaction. If the post is announcing the issuance of a report, for example, we should include the report for PAO awareness. Different PAO contacts have different levels of familiarity with FOIA/OIP, so they may have follow-up questions.

We post the blogs ourselves. The Chief of Compliance generally posts the blogs, but Compliance Staff also have the ability to do so.

General Tips for Writing Blog Posts

- o Make sure the title and teaser say different things – if the same information is presented in both, one needs to be updated
- o Don't bury the lead – make sure that within the first paragraph that the central point of the post is addressed
 - E.g., if announcing a training or guidance, that needs to be said within the first paragraph
- o Avoid writing overly detailed/lengthy posts, particularly when the post is directing readers to other posted information. PAO may have edits to posts to make them shorter and clearer, so we should draft our blogs.

Creating a FOIA Post

- o Create a "blog entry"
- o Title is title of the Post
- o Organization is OIP
- o Date is that day's date (but be sure to update if inputting in Drupal on one day and publishing on a later day)
- o Posted in – "Office of Information Policy"
- o Author (staff profile) and Author (freeform) can be left blank
- o Teaser – teaser for post
- o Body – body of post
 - If announcing new content on the site (like training dates or guidance) make sure to add links to content even if in the "edit.justice.gov" format
 - If announcing an event, see past posts for formatting

- Exs: <https://www.justice.gov/oip/blog/join-department-justice-its-annual-kickoff-sunshine-week> and <https://www.justice.gov/oip/blog/summer-requester-roundtable-agency-foia-websites>
- Topics – FOIA (and possibly Open Government)
- Context – no left side bar
- Review page, make any edits necessary (if any), hit “needs review” send the link to individual with publishing rights

Section 8 – FOIA Regulations

Agencies are required to public FOIA regulations. The Compliance Team has historically worked with OIP's Director in making any updates to the Department's FOIA regulation. The Compliance Team also reviews other agencies' FOIA regulations upon request and if we become aware of a proposed rule being published in the Federal Register. We also maintain the FOIA Regulation Template that was issued as part of OIP's Guidance for Agency FOIA Regulations.

DOJ Regulations

OIP is responsible for updating the Department's FOIA regulation at [28 C.F.R. § 16, Subpart A, Procedures for Disclosure of Records Under the Freedom of Information Act](#). These regulations cover all DOJ components. Updates are rare but may be require if FOIA amendments or case law impacts the accuracy of the regulations. Appendix I of the regulation contains a listing of the DOJ components designated to receive requests and includes component-specific requirements.

Two times per year, the Office of Legal Policy reaches out for input on the Department's *Unified Agenda of Federal Regulatory and Deregulatory Actions*. If we are not planning any updates to the FOIA regulation, our response is that we have nothing to report. If we are planning (or in process) on any updates, we should provide the required responses to OLP which generally consist of our anticipated timeline for publishing the rule.

Documents since 2015 are saved at [G:\OIP\lroberts\FOIA Regs - DOJ](#). Physical files of earlier updates are kept at OIP.

Updating DOJ Regulation

- Regulations may be updated by issuing a proposed rule for public comment, interim final rule (typically also for public comment), or final rule. Any substantive updates should generally have public comment. If there is a small volume of changes, the updates do not require reprinting the entire rule in the Federal Register (see 2017 update as an example).
- Process for updating:
 - Coordinate with OIP's Director on the changes.
 - Create a full redline version of the rule for reference, even if planning to publish only the edits in the Federal Register.

- Prepare the Federal Register Notice, including the summary and other required “front matter.” OIP’s Director should send this to Bob Hinchman and Kevin Jones in OLP. If there are any questions about the form or substance of the FR notice, reach out to OLP. OLP will also coordinate as needed for any OMB clearances.
- Once the draft is ready, the rule must be formally circulated through the Exec Sec clearance process to OLP, OLC, OASG, ODAG, and OAG. (See sample Action Memo in the above folder). This occurred with physical copies in the past that need to be dropped at Main DOJ.
- Once we have AG clearance, OLP takes care of publishing in the Federal Register.
- Congressional Review Act form (blank form saved in the above folder) must be completed before the rule takes effect. As of 2017, this requires the OIP Director’s wet signature on three originals and should be physically transmitted to Bob Hinchman in OLP (via interoffice mail), who will transmit to Congress and GAO.
- Once updates have been issued:
 - Inform DOJ components of the changes. If there are many changes, host a training.
 - Make any necessary updates to OIP’s website. The website links to the appropriate C.F.R. sections, so updates are not needed here unless the section numbers or headers have changed.

Federal Agency Regulation Review

OIP reviews other agencies’ FOIA regulations to ensure that agencies’ regulations are consistent with the FOIA, case law, and OIP guidance. OIP’s Guidance for Agency FOIA Regulations and Regulation Template are useful resources for both agencies and OIP as we review. We do not require agencies to follow our template, but often refer to it for sample language.

Documents of past reviews are saved at <G:\OIP\lroberts\FOIA Regs – Agencies>.

We become aware of agency FOIA regulation updates in three ways:

- Upon direct request when the agency contacts the Compliance Team or FOIA Counselor;
- Through the interagency review process (typically sent to us from OLP); and
- Proactively monitoring the Federal Register. You can subscribe to email updates from www.federalregister.gov.

The Chief of Compliance, or designee, monitors for and reviews proposed regulations. Compliance Team members may be asked to review the regulations and draft comments. Any feedback to the agency must be cleared by the Chief of the Compliance Team, who may consult with OIP’s Director if needed. Once cleared, the Chief or designee will transmit the feedback to the agency through the appropriate means.

Steps for Reviewing Agency FOIA Regulations

- Confirm the agency addresses the required items noted in our guidance.
- Review the rule against our guidance and template as needed. If the agency’s language substantive differs from our guidance/template, consider whether it is consistent with the FOIA and our guidance, and generally whether as a matter of policy we would object. Whenever it makes sense to do so, direct the agency to our template language. Tips for review:
 - Be sure to clearly identify any proposed language that is inconsistent with FOIA, established case law, or our guidance. It is not always necessary (or advisable) to restate the statutory

requirements in the regulations, but if they do, ensure that their language is consistent with the FOIA.

- Consider any policy reasons for why an agency’s approach may be ill-advised, including possible litigation risk (for instance, if the agency is imposing requirements on itself that are more stringent than the FOIA’s requirements). In some instances, the agency’s desired practice may be laudable, and we would not object to it generally, but it may not be appropriate for inclusion in the regulation.
- Occasionally agencies add language about discretionary or administrative waiver of fees. We object to this. The FOIA provides both for the assessment of fees and for a fee waiver standard. Indicating that an agency will waive fees as a matter of administrative discretion without a defined standard leaves them vulnerable to the possibility that such waivers will not be handled fairly and is not consistent with Congress’s intent in providing for fees.

Section 9 – Compliance Team Administration

Managing the DOJ.OIP.FOIA Shared Outlook Email

General Mailbox Coordination

OIP’s Training Coordinator has primary responsibility for OIP’s main mailbox. The back-up will be someone on Compliance Team. Examples of regular emails that come through mailbox include:

- Training requests
- Training registrations
- Report submissions
- Report correspondence
- General Questions
- Request and Appeal submissions
- Consultations and Referrals
- Request, Appeal, Consultation, and Referral questions
- Hotline Questions
- Responses to questions asked by OIP
- Sunshine Week Award nominations
- Spam

Emails are directed to different people in the office; below is a list of which action officer handles what types of emails:

- Training requests are handled by OIP’s Training Coordinator
- Training registrations are handled by OIP’s Training Coordinator
- Anything related to Report submissions are handled by Compliance Team members
- General questions like Hotline questions are forwarded to OIP’s FOIA Counselor of the Day (someone on Admin will be able to tell you who has hotline duty any given day)
- Requests, Consultations, and Referrals are forwarded to the OIP.Consult.Referrals@usdoj.gov mailbox

- Appeals, status updates on appeals, and all miscellaneous emails are forwarded to Priscilla (OIP's Administrative Supervisor)
- Sunshine Week Award nominations are handled by OIP's Training Coordinator or someone on the Compliance Team
- All spam emails are moved to the Random Folder

Once an email is forwarded to the appropriate staff for action, the email is then placed in the appropriate sub-folder, including:

- Appeals
- Compliance
- General
- IR
- Random
- Training Registrations

DOJ-361 Form

The DOJ-361 "Certification of Identity" Form is used to request information about oneself from the DOJ and its subordinate organizations under the Privacy Act and the Freedom of Information Act. Review of the DOJ-361 for recertification under the Paperwork Reduction Act was moved to the Compliance Team several years ago. It is also referred to as OMB Form Number 1103-0016. The form must be recertified once every three years. A reoccurring event is currently annotated on February 1, 2023 (in the Compliance Team shared Outlook calendar) as a 60-day and 30-day Federal Register notice reminder. Melody Braswell is the Departmental Clearance Officer (DCO) for the Paperwork Reduction Act (PRA). The current form expires on May 31, 2023.

The most recent updated version is located at <G:\OIP\Compliance Staff\Certification of Identity Form Update>. To recertify the form (no changes), Compliance Staff should review the current form and make appropriate edits, including changes to the point of contact, on the 60-day Federal Register notice. The notice should be returned to DCO for the PRA no later than five weeks prior to when the 60-day notice will be published in the Federal Register. If there are any substantial revisions to the form, arrange a time to discuss with the DCO.

New Agencies

When Congress uses its Article I power to create a new agency, the agency is subject to the FOIA and its reporting requirements, unless otherwise indicated in its charter. Generally, we brief those agencies on their obligations under FOIA, ensure they are added to FOIA.gov and incorporated into our contacts lists and reporting spreadsheets.

Below is a template email that can be sent to new agencies:

OIP is responsible for encouraging and overseeing agency compliance with the FOIA. This includes providing government-wide policy guidance on FOIA administration, overseeing agency compliance with the FOIA's reporting requirements, and providing legal counsel and training to agency FOIA professionals. Attached for your reference is a [PowerPoint presentation](#) that summarizes all agencies' obligations under FOIA. Please note in particular slide 32 on tracking report data. I've highlighted a few key resources below:

FOIA questions can be directed to our FOIA Counselor Service 202-514-FOIA. OIP provides confidential legal advice and policy guidance to FOIA personnel across the government to aid in agency decision-making on issues pertaining to the FOIA or implementation of the Department of Justice's 2009 FOIA Guidelines. The agencies that contact OIP must ultimately make their own determination on the FOIA question at issue. OIP does not provide legal advice to private persons.

Agency Reporting Obligations: <https://www.justice.gov/oip/page/file/1211031/download> (Questions regarding reporting obligations can be directed to myself or Lindsay Roberts, Acting Chief of the OIP Compliance Team.)

OIP's training calendar: <https://www.justice.gov/oip/training>

OIP Guidance on the FOIA: <https://www.justice.gov/oip/oip-guidance> and the Guide to the FOIA: <https://www.justice.gov/oip/doj-guide-freedom-information-act-0>

National FOIA Portal/FOIA.gov: This website contains agency report data as well as a request portal that allows a member of the public to submit a FOIA request to any Federal agency. We need to set up your agency's page and create an account for whoever will be responsible for keeping the info up to date and for completing your agency's annual report. To put together your agency's FOIA.gov page we will need the following:

- Agency Mission
- FOIA contact info
- An email address where your agency can receive FOIA requests from the Portal.

Please do not hesitate to reach out for guidance. If it would be helpful, we are happy to schedule a meeting or call to provide an overview and answer any questions you may have.

Provide New Agency Training slide deck located here: G:\OIP\Training\Courses and Events\New Agency Training.

Ensure the agency POC is added to any distribution lists:

- Agency FOIA Contacts List
- CFO Contacts List

Add agency to Annual Report and CFO Report tracking spreadsheets for the upcoming FY.

Section 10 – Rolling Annual Calendar

Compliance Timeline by Calendar Year

- **January**
 - Hold Calendaring and Sunshine Week Kick-off Meeting
 - Post nomination announcement for Sunshine Week awards
 - Early January
 - Begin drafting DOJ CFO Report
 - Mid-January
 - Agencies with More Than 50 Requests Submit CFO Reports

- Spring Interns Start
 - End of January
- Provide first draft of Litigation and Compliance Report to Compliance Chief
- Last Friday of Month - Q1 Reports Due
- **February**
 - Early February
 - Provide draft litigation and Compliance Report to OIP Director.
 - Provide draft DOJ CFO Report to Compliance Chief
 - Start announcing Sunshine Week
 - Mid-February
 - Agencies with Less than 50 Requests Submit CFO Reports
 - Provide draft DOJ CFO Report to OIP Director.
 - By last week in February, all agency Annual FOIA Report data is cleared
- **March**
 - Prior to 3/1, Agencies Post Links to Annual Reports and Raw Data
 - By 3/1: OIP publishes final Annual FOIA Report Data on FOIA.gov and makes links available on OIP website. Begin drafting Annual FOIA Report Summary.
 - By 3/1: Litigation and Compliance Report transmitted to Congress
 - By Sunshine Week, the week of March 16, Agencies Post Links to CFO Report
 - Mid-March
 - Sunshine Week Events
 - TBD FACA Meeting
- **April**
 - Last Friday of Month - Q2 Reports Due
 - Begin drafting CFO Report Summary and Assessment
- **May**
 - SLIP Starts (typically third or fourth Monday of the month)
 - End of May: Ideally, publish CFO Report Summary and Assessment
- **June**
 - Decide if Compliance Team wants a Fall Intern and Determine Duties/Project
 - TBD FACA Meeting
- **July**
 - Last Friday of Month - Q3 Reports Due
 - Begin brainstorming CFO Report Guidelines for next year
- **August**
 - Reserve 2CON Conference Room and GAO Building Auditorium spaces for entire year
 - Decide if Compliance Team wants a Spring Intern and Determine Duties/Project
 - Start reviewing Annual Refresher Training Slides
 - Finalize CFO Report Guidelines
- **September**
 - Schedule Annual Refresher Training date(s)
 - Determine upcoming reporting deadlines and guidance for agencies

- Early September Fall Interns Start
 - Reserve the Great Hall for Sunshine Week
 - Mid-September: Update and disseminate instructions and deadlines for DOJ Component Annual FOIA Reports and CFO Report submissions; schedule Q&A session for first week of October.
 - TBD FACA Meeting
 - 9/30 End of FY
 - Create all necessary folders for new reports
- **October**
 - 10/1 Start of FY
 - First week of October:
 - Publish updated reporting deadlines
 - Q&A session for DOJ Components
 - Mid-Oct
 - Annual FOIA Report Refresher Training
 - Component Annual FOIA Report data due to OIP
 - Last Friday of month - Q4 Reports Due
- **November**
 - Mid-November Agency Annual FOIA Reports Due
- **December**
 - Mid-December FACA Meeting
 - Mid-December:
 - Finalize DOJ Annual FOIA Report, provide draft to OIP Director; once finalized, draft one pager highlights of stats
 - Component CFO Report responses due