

FOIA SELF-ASSESSMENT TOOLKIT

Office of Information Policy, Department of Justice



February 2023 Update

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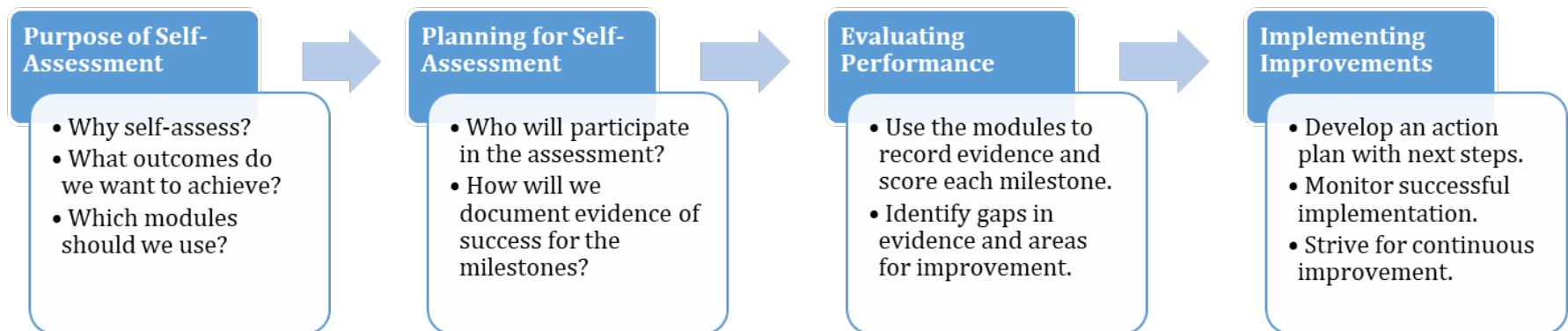
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Introduction and Methodology

Conducting regular self-assessments can help agencies refine their administration of the Freedom of Information Act (FOIA). The Office of Information Policy (OIP) has [encouraged](#) agencies to conduct self-assessments to review and improve their FOIA program. In their [Chief FOIA Officer Reports](#), many agencies reported conducting self-assessments using methods such as reviewing their procedures and Annual FOIA Report data. By examining their procedures, practices, and results, agencies can improve their FOIA administration by, for instance, streamlining request processing, identifying new ways to use technology, and increasing proactive disclosures. This toolkit was originally published in September 2017. This February 2023 update reflects the addition of two new modules covering Proactive Disclosures and Administrative Appeals, in addition to updating the existing modules to reflect current law and policy and to emphasize the use of technology and data. The 2023 update also includes fillable versions of the milestones to facilitate easier compilation of agency and component responses. We will continue to update this toolkit as needed to reflect changes in FOIA law and policy, and welcome feedback from agencies on how we could make further improvements.

A. Self-Assessment Process

This self-assessment toolkit consists of modules with various milestones to help agencies conduct an in-depth analysis of their FOIA program. Agencies may complete individual modules or the entire assessment. However, an agency's self-assessment should not be limited to simply completing the modules. Agencies should consider the goals of their assessment, determine how they will complete the assessment, evaluate their performance based on evidence, and take action for further improvement. At the end of each module or module subsection, OIP offers tips and guidance covering the milestones. Before beginning any of the modules, we encourage agencies to consider the following steps to conducting an effective self-assessment.



This figure and portions of the methodology were adapted from Scottish Information Commissioner, "Capture, Assess, Improve Self-Assessment Toolkit," (last updated July 3, 2017), available at <http://www.itspublicknowledge.info/ScottishPublicAuthorities/Self-AssessmentToolkit/Self-AssessmentToolkitIntroduction.aspx>

B. Purpose and Planning

An agency may decide to conduct a self-assessment for various reasons. The agency may realize there is room for improvement based on their FOIA data or experience. Agencies may use self-assessments to evaluate the efficacy of earlier changes or reorganization. Agencies may also conduct routine self-assessments to facilitate continuous improvement, as recommended by OIP. Before beginning a self-assessment, agencies should identify its purpose and goals. For example, is the agency contemplating an internal reorganization, or are they looking to refine certain aspects of their FOIA program within the current structure? The agency's purpose and goals will influence whether the agency works through all or some of the modules.

The agency must also consider how it will conduct the self-assessment. Will it be completed by senior managers? Will staff-level personnel contribute to responses or be consulted throughout the process? How will the agency collect evidence? How much time is needed to complete the assessment? Who will be involved in determining next steps and overseeing their implementation? By answering these questions up front, agencies will maximize the value of their self-assessment.

C. Documenting Evidence

Using evidence as support for the responses in the modules helps agencies meaningfully evaluate their performance. For each milestone, agencies should document or reference any available evidence. Evidence may indicate success or the need for improvement in a particular area. A lack of evidence does not necessarily mean that the agency is not fulfilling the milestone, but may reveal an area where the agency could benefit from improved management or formalized procedures. Documenting evidence helps agencies objectively assess whether they meet the milestones. It also helps agencies more easily identify gaps and track progress when implementing improvements. Sources of evidence could include the following:

- Agency regulations
- Agency policies, handbooks, standard operating procedures
- FOIA report data (Annual, Chief FOIA Officer, and Quarterly)
- Metrics available from the agency's FOIA tracking system
- FOIA response templates and language
- Website content
- Training materials
- Agendas and notes from meetings with internal staff and external stakeholders
- Staff surveys, questionnaires, interviews, or observations
- Staff newsletters, memoranda, emails
- Public feedback

D. Evaluating Performance

For each milestone in the module, the agency should score itself on a scale of 1-4 as follows:

SCORE	DESCRIPTION
4	The Agency does this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

For any milestone that scored 4, no additional action is required, although the agency may consider where it could develop further efficiencies. For any score of 2 or 3, the agency should review the milestones and the subsequent guidance to identify areas for improvement. For any score of 1, the agency should develop a plan to implement new practices in that area. Agencies are encouraged to closely examine their performance pertaining to each milestone, even where it appears the agency satisfies it. For example, an agency’s average time to adjudicate requests for expedited processing may be nine calendar days, which would seem to satisfy the milestone that requests for expedited processing are adjudicated within ten calendar days. However, the agency may take a closer look at any requests that were not adjudicated within ten calendar days to determine the cause and identify steps to ensure that all requests for expedited processing are adjudicated within the time limit.

E. Sample Milestone

A scored milestone with documented evidence and areas for improvement might look like this:

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.A All new FOIA Staff members receive training to become familiar with:</p> <ul style="list-style-type: none"> the FOIA’s legal requirements, agency regulatory requirements, OIP’s policy guidance, and the agency’s FOIA procedures, including the types of records maintained by the agency, how to best locate those records, and how to make disclosure determinations. 	3	<ul style="list-style-type: none"> New Employee Training explains where staff can find general FOIA resources. Standard Operating Procedures outline the FOIA intake, processing, and review procedures, and overview of exemptions. Employee Handbook provides that staff must attend substantive FOIA training at least once per year. Managers email all staff whenever OIP issues new guidance and discuss it at staff meetings. Staff learn about the types of agency records and how to locate them as they work on requests with their supervisors. 	<ul style="list-style-type: none"> Staff may not be familiar with where to locate or how to understand the agency’s FOIA regulations. <ul style="list-style-type: none"> Action: This will be incorporated into New Employee Training and discussed at a staff meeting for all current employees. Staff familiarity with the types of records and how to locate them at the agency may vary depending on the types of requests they process. <ul style="list-style-type: none"> Action: Will begin providing an overview of the types of records maintained and most common ways to locate them during New Employee Training, which

			<p>will be reinforced as they work on requests.</p> <ul style="list-style-type: none"> ○ Action: Add a description of major types of records and search procedures to the Standard Operating Procedures.
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F. Implementing Improvements

Once the agency has completed its self-assessment, it should summarize its findings and develop an action plan for implementing next steps. It may be helpful to review the purpose and goals of the self-assessment when developing and prioritizing items for the action plan. The agency should also consider the amount of time it will take to implement each item, who will be responsible for ensuring successful implementation, and any additional follow up to ensure continued success.

G. Fillable Milestone Spreadsheets

As part of the 2023 update, fillable spreadsheets are available for agencies to use to complete the assessment and track progress towards implementation. Two spreadsheets are available for download on OIP’s Resources page:

- **Centralized Agency and Component Fillable Self-Assessment:** This spreadsheet is designed to be used to complete the assessment at the component or centralized FOIA office level. It contains all milestones and allows agencies and components to complete fields for scores, evidence, next steps, tasking for action, and completion dates. Entering scores 1-4 automatically update color coded cells to provide a quick visual snapshot and progress across fiscal years.
- **Decentralized Agency Self-Assessment Score Tracker:** This spreadsheet is designed for decentralized agencies to track the scores of multiple components. Components would have completed the above fillable self-assessment and then those scores can be copied onto this spreadsheet to provide a high-level view of the agency’s progress across components.

Module 1: Initial Request Intake and Review

This module examines whether your Agency has an efficient and effective initial mail intake and mail review process. Regardless of the size of your Agency’s FOIA operations, efficient mail intake and initial mail review is an important first-step in the administration of the FOIA.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Current FOIA Request Intake and Initial Review Process

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A Requesters can submit FOIA requests to your Agency electronically and the requests are automatically ingested into your case management system.			
2.A Your Agency is interoperable with FOIA.gov in accordance with DOJ/OMB Guidance.			
3.A Designated trained personnel, including backups, monitor all forms of request intake and can identify duplicative submissions and requests that can be closed quickly, for instance that can be satisfied with proactively released records already available.			
4.A FOIA Staff enter requests into the Agency’s tracking system promptly upon receipt to facilitate efficient assignment for processing.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>5.A FOIA Staff in decentralized agencies quickly recognize and properly route misdirected requests within 10 working days or less.</p>			
<p>6.A FOIA Staff quickly recognize and respond to requests for expedited processing within 10 calendar days or less.</p>			
<p>7.A Agency routinely monitors its FOIA request intake, initial response, and review process to ensure continued efficiency.</p>			
<p>8.A Existing FOIA request intake can be temporarily modified and/or digitized to address unforeseen circumstances (e.g., sudden influx of FOIA requests and/or litigation, government shutdowns, or maximum telework, etc.).</p>			
<p>9.A FOIA Staff can freely make recommendations for continued improvement of the initial FOIA request intake and review process.</p>			
<p>10.A Agency digitizes hard copy requests for tracking and records retention purposes.</p>			
<p>11.A Agency ensures that all data related to request intake required for tracking and reporting purposes is promptly and accurately recorded.</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
12.A Agency reviews request on intake to identify whether it may involve frequently requested records that may be required to be posted in the agency's FOIA Library.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Suggested sources of evidence: Agency FOIA regulations; Agency/Component policies, handbooks, standard operating procedures, training materials, meeting agendas/notes, memoranda, emails, or FOIA websites; staff surveys, interviews, or observations; FOIA response templates and language; metrics from FOIA case management system and FOIA reports; public feedback.

[Guidance and Best Practices for FOIA Request Intake and Initial FOIA Request Review Process](#)

- Ensure that your Agency allows for the electronic submission of FOIA requests through email and/or an online submission portal.
 - Verify that all externally-facing agency email addresses are current on listed websites.
 - If applicable, ensure agency's fax machine is in working order.
 - Ensure agency firewalls permit submissions from private/personal email addresses if your agency accepts requests via email.
 - If your agency is considering case management systems, ensure they are developed to be interoperable with the National FOIA Portal on FOIA.gov via an applied programming interface (API) that allows requests submitted through FOIA.gov to be ingested directly into your agency's case management system.
 - Ensure that your Agency's FOIA regulations indicate accurate and up-to-date modes of submission of FOIA requests.
- Assign responsibility for monitoring each of the different request-submission mediums (e.g., regular mail, agency portal, FOIA.gov, request email inboxes, and fax, if applicable) and promptly entering requests into the tracking system to facilitate efficient assignment. Designate at least one staff member as a backup FOIA request intake reviewer to ensure that intake and review continues when the individuals with primary responsibility are unavailable. Ensure that all designated individuals are properly trained.
- Incorporate a system of checks to determine whether new FOIA requests are duplicates of previously submitted FOIA requests. Where possible, automate identification of duplicates.

- Incorporate a system of checks to determine whether a new FOIA request can be closed quickly, for example, if it seeks records that have already been proactively disclosed.
- If your Agency processes FOIA requests on a decentralized basis, confirm that your Office's FOIA request intake and review process has an established system for routing misdirected requests to the appropriate component within your Agency.
 - Require FOIA Staff to route all misdirected requests as quickly as possible upon receipt and well within ten days of your Office's receipt.
 - Actively maintain updated office routing information for all offices within your Agency to ensure proper routing of misdirected requests.
 - Route misdirected requests via electronic transmission for efficiency.
 - Actively monitor the time it takes to route misdirected requests to ensure that routing occurs promptly and well within the ten-day time period.
 - Modify the mail intake and review process, as necessary, to keep misdirected request routing times low and well within the ten-day period.
 - Incorporate a process for informing a requester, in writing, of the routing of any misdirected requests, including the current contact information for the office to which the request was routed.
 - Ensure that offices receiving misdirected requests are provided, in writing, with:
 - A brief explanation of the decision to route the misdirected request; and
 - Current contact information for the FOIA Staff who routed the misdirected request.
- Institute clear procedures for recognizing and responding to requests for expedited processing within ten calendar days of receipt.
 - Actively monitor expedited request response times to ensure that decisions are made within ten days.
 - Modify the mail intake and initial mail review process, as necessary, to keep expedited request response times to ten days or less.
- Develop standardized metrics to monitor the efficiency of your Agency's established FOIA request intake, initial response, and review process.
 - Actively monitor metrics for intake and review, and if necessary, implement changes to current processes to decrease average intake, initial response, and review processing times.
 - Institute clear procedures for temporarily modifying your Agency's initial intake and review process to adequately address unforeseen circumstances, such as loss of personnel or a sudden increase in number of requests received.
 - While operating in a maximum telework capacity, the FOIA office has a plan in place to handle mailed requests, notify requesters of delays and modifications to procedures.
 - When usual operations are disrupted, consider including a notice on your Agency's FOIA page about modified request processes, timelines, and contact information.
 - After such a temporary modification of your Agency's FOIA request intake and review process, examine the effectiveness of the temporary process modification.
 - Encourage FOIA Staff to make any recommendations for continued improvement.
 - Provide regular or recurring opportunities for sharing feedback.
 - Consider incentivizing participation/involvement.

- Incorporate a review process during intake to identify requests that may involve frequently requested records that should be flagged for the agency in the case management system.

OIP Guidance

- [Guidance for Agency FOIA Administration in Light of COVID-19 Impacts](#) (May 28, 2020)
- [Joint DOJ/OMB Guidance for Achieving Interoperability with the National Freedom of Information Act Portal on FOIA.gov](#) (Feb. 12, 2019)
- [OIP Guidance: Agency FOIA Websites 2.0](#) (Nov. 30, 2017)
- [OIP Guidance for Further Improvement Based on 2015 Chief FOIA Officer Report Review and Assessment](#) (July 23, 2015)
- [Ensuring Timely Determinations on Requests for Expedited Processing](#) (Dec. 23, 2014)
- [Calculating FOIA Response Times After Government Shutdown](#) (Aug. 15, 2014)
- [New Requirement to Route Misdirected Requests](#) (Nov. 18, 2008)

Module 2: Assigning Cases and Managing Tracks

This module examines your Agency’s FOIA workflow. Assigning requests, using multiple processing tracks, and monitoring cases to identify frequently requested records help agencies ensure overall efficiency and compliance with proactive disclosure requirements.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Current FOIA Workflow

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A Agency has a dedicated FOIA tracking system, or some other FOIA tracking method, that is updated throughout the FOIA process to accurately reflect the current status of requests and includes information required for FOIA reporting.			
2.A Agency promptly assigns new FOIA requests, referrals, and consultations to personnel for processing.			
3.A Agency generally processes requests within each track on a first-in, first-out basis.			
4.A Agency promptly sends acknowledgement letter to requester for any request that will take longer than 10 working days to process.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
5.A FOIA Staff monitor the placement of requests into the appropriate processing track and review, and update if necessary, that designation throughout the course of the request.			
6.A Agency actively monitors individual and office-wide workloads, using all available tools of the case tracking system, to identify and address issues that impact timeliness.			
7.A Agency has a defined review structure to ensure that responses and records are reviewed before transmission to the requester.			
8.A Agency uses Annual FOIA Report and raw data to assess and actively manage multi-track processing and identify potential workflow bottlenecks.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Suggested sources of evidence: Agency/Component policies, handbooks, standard operating procedures, training materials, and staff surveys, interviews, or observations; metrics available from FOIA tracking system and agency FOIA Reports

Guidance and Best Practices for Assignment and Processing Workflow

- Promptly assign incoming requests, referrals, and consultations [hereinafter collectively referred to as requests].
 - Regularly assess the workloads of FOIA Staff, including non-FOIA duties.
 - Develop an assignment process that allows your Agency to assign FOIA requests based on assessed workloads, allows for flexibility in reassigning requests, groups similar requests for more efficient processing, and accounts for the initial anticipated complexity of the requests.
- Ensure that requests are promptly acknowledged.
 - Include the request tracking number and FOIA contact information in the acknowledgement letter.
 - When “unusual circumstances,” as defined in the FOIA, are present, ensure that the requester is informed and the additional 10 working days are added to the time allowed for reporting purposes.
 - If the Agency anticipates taking more than an additional ten working days to respond to the request, the notification regarding unusual circumstances must provide the requester an opportunity to limit the scope of the request or arrange an alternative time to respond and must include contact information for the FOIA Public Liaison and the Office of Government Information Services.
- Ensure that requests are generally processed on a first-in, first-out basis. If your Agency uses multiple processing tracks, the requests within each track should be processed first-in, first out.
- If the requests your Agency receives range in complexity or time involved, adopt multiple processing tracks (in addition to the required “expedited” track for requests granted expedited processing).
 - Establish criteria for categorizing requests as simple versus complex depending on the volume of records or complexity of processing.
 - Ensure your Agency’s processing workflow allows FOIA Staff to continuously monitor, evaluate, and update as necessary, the assigned processing track throughout the life of the request.
 - Actively monitor the average processing time for simple track requests to identify ways to decrease the average processing time.
 - Reexamine the FOIA process if your agency is taking longer than an average of twenty working days to process simple requests, according to section VII.C.1 of the agency’s Annual FOIA Report.
- Ensure that FOIA supervisors are actively monitoring both individual and overall progress in responding to requests promptly.
 - Routinely monitor processing metrics for each staffer.
 - Ensure FOIA supervisors assist FOIA Staff in developing strategies for closing older requests.
 - Implement a mechanism for alerting FOIA supervisors of requests that have been pending after designated periods of time, or longer than expected.
 - Develop an overall request processing plan and ensure FOIA Staff are aware of that plan and are provided periodic updates on your Agency’s progress toward meeting it.
- Analyze processing time trends for each track using Annual FOIA Report and Raw Data metrics.
 - Confirm that tolling and unusual circumstances are properly used and tracked for reporting purposes.

- Where multi-track processing is used, ensure request tracks are actively managed. For instance, where a request is initially determined to be a simple request but later is discovered to be complex, the tracking system is updated and the requester is informed.
- If simple-track processing time averages in section VII.C.1 of the agency's Annual FOIA Report are over 20 working days, prioritize at least the 10 oldest requests in the simple track.
- If the agency has a backlog, actively track the status of the oldest requests, and prioritize closing the overall 10-oldest pending perfected requests as indicated in section VII.E of the agency's Annual FOIA Report.
- Regularly follow up with other agencies on any consultations pending with them.
- Develop a FOIA response review structure that can be implemented within your Agency.
 - Ensure FOIA Staff are aware of the FOIA response review structure.
 - Incorporate different layers of review depending on the complexity of the request.
 - Ensure the FOIA response review structure allows for flexibility to reassign request review based on reviewer workload and other demands on reviewers' time.
 - Provide reviewers with review goals for a pre-set time frame and incorporate metrics to measure review productivity.
 - Ensure the scope of review is well-defined (proposed response letter, proposed redactions, accuracy of administrative record, etc.).

OIP Guidance

- [Guidance for Agency FOIA Administration in Light of COVID-19 Impacts](#) (May 28, 2020)
- [OIP Guidance for Further Improvement Based on 2018 Chief FOIA Officer Report Review and Assessment](#) (updated July 20, 2018)
- Processing Reminders for the Last Quarter of Fiscal Year 2017 (July 20, 2017)
- [Guidance on the New Requirements for FOIA Response Letters, Including Affording Ninety Days to File an Administrative Appeal, and New Notification Requirement for Notices Extending FOIA's Time Limits Due to Unusual Circumstances](#) (July 18, 2016)
 - [Implementation Checklist](#) for OIP Guidance on New Requirements for FOIA Response Letters
- [Assigning Tracking Numbers and Providing Status Information for Requests](#) (Updated Guidance, Oct. 28, 2014)

Module 3: Acknowledgement Letters

As one of the first communications a requester receives, the acknowledgement letter confirms the agency’s receipt of the request, explains how the requester can check the status of their request, and addresses any other issues at the outset.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Acknowledgement Letter Process

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A Agency sends an acknowledgement letter containing a request tracking number within ten working days of receipt for any request that will take longer than ten working days to process.			
2.A Agency summarizes the subject of the request and provides a point of contact who can answer any questions about the request.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>3.A If applicable, the acknowledgment letter describes any unusual circumstances, as defined by the FOIA, involved in the processing of the request; notes whether the agency will need ten or more additional working days to respond; provides required notices of the availability of the FOIA Public Liaison and Office of Government Information Services; and provides an opportunity to narrow the scope of the request.</p>			
<p>4.A If applicable, the acknowledgment letter addresses any fee issues or advises they will be determined at a later date.</p>			
<p>5.A If applicable, the acknowledgment letter addresses any request for expedition or advises that expedition will be addressed separately.</p>			
<p>6.A Agency has standardized letter formats or a language database to improve efficiency and consistency in acknowledgment letters.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Suggested sources of evidence: Evidence can be obtained from agency regulations, agency/component policies, handbooks, standard operating procedures, past acknowledgment letters, metrics available from FOIA tracking system, response templates and language, training materials, staff surveys, questionnaires, interviews, or observations, and public feedback

Guidance and Best Practices for Acknowledgement Letters

- Ensure that each acknowledgement letter contains a brief description of the subject of the request to facilitate tracking by the requester.
- Ensure that the acknowledgement letter indicates when the Agency received the request and, for any request that takes longer than ten working days to process, provides a tracking number.
 - OIP recommends that all agencies assign a tracking number to every request, regardless of processing time.
- Confirm that your Agency's acknowledgement letter provides a point of contact for the requester.
 - The acknowledgement letter should provide contact information for at least one of the following:
 - FOIA Staff responsible for processing the request,
 - FOIA Requester Service Center, or
 - FOIA Public Liaison.
- If applicable, include in the acknowledgement letter a summary of any conversations FOIA Staff might have had with the requester thus far, concerning any aspect of the request, such as a clarification of the records sought.
- If “unusual circumstances,” as defined in the FOIA, apply to the processing of the request, ensure that the required notifications are provided. Review OIP’s [Guidance](#) and [Implementation Checklist](#) on “New Requirements for FOIA Response Letters, Including Affording Ninety Days to file an Administrative Appeal, and New Notification Requirement for Notices Extending FOIA’s Time Limits Due to Unusual Circumstances” to ensure the appropriate notices are included in acknowledgement letters.
- Periodically confirm all methods of communication (email, letter, FOIA portal, FOIA tracking system, etc.) to ensure that each are in working order and there are no inadvertent barriers to requesters receiving their acknowledgement letters.

OIP Guidance

- [Guidance for Agency FOIA Administration in Light of COVID-19 Impacts](#) (May 28, 2020)
- [The Importance of Quality Requester Services](#) (June 12, 2018)
- [Implementation Checklist](#) for OIP Guidance on New Requirements for FOIA Response Letters (Aug. 10, 2017)
- [Guidance on the New Requirements for FOIA Response Letters](#), Including Affording Ninety Days to File an Administrative Appeal, and New Notification Requirement for Notices Extending FOIA’s Time Limits Due to Unusual Circumstances (July 18, 2016)
- [Assigning Tracking Numbers and Providing Status Information for Requests](#) (Updated Guidance July 8, 2014)

Module 4: Adjudicating Requests for Expedited Processing

This module examines your agency's process for adjudicating requests for expedited processing.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Expedited Processing Procedures

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A FOIA Staff are trained to examine requests to identify whether they seek expedition and to identify such requests as soon as possible upon receipt.			
2.A FOIA Staff are alert to requests for expedition that may be made after the initial request is submitted.			
3.A FOIA Staff are trained to apply the statutory and any agency-specific standards included in Agency regulations for granting expedited processing.			
4.A Responses to requests for expedition are determined by a senior professional or subject to at least one level of review.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
5.A Where applicable, Agency has clear coordination procedures with other offices that are involved in making a determination on the request for expedited processing			
6.A Responses to requests for expedition are provided within ten calendar days of receiving the request.			
7.A Agency provides administrative appeal rights with any denial of a request for expedited processing.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Suggested sources of evidence: Agency/component policies, handbooks, standard operating procedures; metrics available from FOIA tracking system and FOIA report; training materials, meeting notes, staff surveys, interviews, or observations; FOIA response templates and language; and public feedback

[Guidance and Best Practices for Expedition Responses](#)

- Develop procedures to promptly review incoming correspondence from requesters to identify whether expedited processing is sought, and if so, to adjudicate such requests within ten calendar days pursuant to 5 U.S.C. § 552(a)(6)(E).
- Ensure that all FOIA Staff are trained on statutory and Agency-specific expedition standards and the factors to consider when adjudicating requests for expedited processing.
- Ensure FOIA Staff are alert to requests for expedition that may be submitted after initial intake.
- Ensure that all FOIA Staff are trained on the importance of properly developing the administrative record when making and conveying decisions about expedited processing.

- Ensure determinations on expedition are made by a senior level professional or require at least one level of review to ensure that the response letter and administrative record are legally and factually sufficient.
- Establish clear coordination procedures with other offices that may be involved in the determination of expedition.
- Develop a standardized structure or a language database for responses to requests for expedited processing to ensure that all required elements are uniformly addressed.
 - Ensure that all denials of requests for expedited processing include administrative appeal rights.
- Periodically review raw data and Annual FOIA Report data in section VIII.A to identify trends in processing of requests for expedition.

OIP Guidance

- [Guidance for Agency FOIA Administration in Light of COVID-19 Impacts](#) (May 28, 2020)
- [OIP Guidance: Adjudicating Administrative Appeals under the FOIA](#) (Feb. 14, 2019)
- [Ensuring Timely Determinations on Requests for Expedited Processing](#) (Dec. 23, 2014)

Module 5: Fee Correspondence

This module examines how FOIA Staff address fee issues in correspondence with requesters. This module has two subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Fee Waiver and Fee Category Responses

It is important that FOIA Staff understand the various fee categories, the fees associated with each, as well as the standard for a fee waiver. This subsection examines responses to requests for fee waiver and fee category placement.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A FOIA Staff are provided training and resources on the FOIA's fee categories, as well as the standard for granting a fee waiver.			
2.A If a certain fee category is requested, but the agency places requester into a different fee category, FOIA Staff fully explain to requester all reasons for the fee category placement.			
3.A Decisions on fee category and responses to requests for fee waiver are provided promptly after determining that fees are at issue.			
4.A If a request for fee waiver is denied, FOIA Staff fully explain the reason for denial in the response to the requester.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
5.A Agency provides requesters administrative appeal rights for any denial of a request for fee waiver or placement in a particular fee category.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Suggested sources of evidence: Agency regulations; agency/component policies, handbooks, standard operating procedures; FOIA response templates and language; training materials, staff surveys, interviews, or observations; public feedback

[Guidance and Best Practices for Fee Waiver and Fee Category Responses](#)

- Ensure that all FOIA Staff are trained and provided resources on the factors to consider when adjudicating requests for fee waiver and determining fee categories, as well as the importance of fully developing the administrative record.
- If a requester's justification for a particular fee category is unclear or incomplete, seek additional information from the requester where appropriate before making a final fee category determination.
- Require that denials of requests for a fee waiver or placement in a particular fee category describe the reasoning for the decision.
- Ensure that all denials of requests for fee waivers or placement in a particular fee category include administrative appeal rights.
- After determining "unusual circumstances" apply, providing timely written notice to the requester, and failing to comply with the extended time limit, ensure that the agency does not charge search fees (for commercial use requests or all other requesters) or duplication fees (for representatives of the news media and institution requesters) provided no exception applies.
- Ensure that Agency Chief FOIA Officer reviews, not less frequently than annually, all aspects of agency FOIA administration, including assessment of fees and fee waivers.

OIP Guidance

- [Guidance for Agency FOIA Administration in Light of COVID-19 Impacts](#) (May 28, 2020)
- [Adjudicating Administrative Appeals under the FOIA](#) (Feb. 14, 2019)

- [The Importance of Good Communication with FOIA Requesters 2.0](#): Improving Both the Means and Content of Requester Communications (Nov. 22, 2013)

OMB Guidance

- [Uniform Freedom of Information Act Fee Schedule and Guidelines](#), 52 Fed. Reg. 10,012 (Mar. 27, 1987).
- [Final Revisions to Uniform Freedom of Information Act Fee Schedule and Guidelines](#), 85 Fed. Reg. 81,955 (Dec. 17, 2020).

B. Fee Estimates

This section examines how your Agency communicates with requesters regarding fee-related issues.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.B When providing a FOIA fee estimate to a requester, the letter includes a breakdown of the fee that distinguishes between search, review, and duplication.</p>			
<p>2.B If a fee estimate is higher than could reasonably be expected, FOIA Staff provide an explanation to the requester.</p>			
<p>3.B When providing fee estimates, FOIA Staff inform non-commercial use requesters of the free two hours of search time and free 100 pages of duplication to which they are entitled under the statute.</p>			
<p>4.B FOIA Staff provide alternative options to requesters in an effort to meet their needs at a lower cost, such as providing them with their two-hour free search time and 100 free pages.</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
5.B All fee estimates, regardless of the amount, include administrative appeal rights.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Suggested sources of evidence: Agency regulations; agency/component policies, handbooks, standard operating procedures; FOIA response templates and language; training materials, staff surveys, interviews, or observations; public feedback

[Guidance and Best Practices for Fee Estimates](#)

- Ensure all FOIA Staff are trained on adjudicating fee waivers, including prohibitions on assessing certain fees and exceptions.
- Ensure that fee estimates include an itemized breakdown for search, review, and duplication, as set out in OIP’s Guidance.
- If the fee estimate is high or higher than expected, ensure that an explanation is provided to the requester.
 - For example, the agency may need to search multiple locations, which will cause an increase in search fees.
- Inform all non-commercial-use requesters of their statutory entitlements to two free hours of search and 100 free pages of duplication.
- Incorporate alternative options into response letters that requesters can exercise with each fee estimate. Alternative options may include:
 - Electing only to receive their statutory entitlements to search and duplication.
 - Paying a certain amount that is less than the estimated fee.
 - Narrowing the scope of the request in an effort to reduce the estimated fees.
- Provide requesters with a reasonable amount of time to respond to the fee estimate, but not less than 30 days.
- Ensure that all correspondence to and from the requester concerning fees and fee estimates are maintained in the request file.
- Ensure that all fee estimates include the current contact information for your Agency’s FOIA Public Liaison and make the FOIA Public Liaison or other FOIA contact available to discuss the fee estimate.
- Ensure that all fee estimates include administrative appeal rights.
- For consistency in response letters, develop standard language for fee issues that includes the required information and alternative options for requesters.
- Periodically review Agency's raw data and Annual FOIA Report data in section VIII.B to identify trends in processing fee waiver requests.

- Track fees collected throughout the fiscal year for inclusion in Section X of the Agency's Annual FOIA Report.

OIP Guidance

- [Prohibition on Assessing Certain Fees When the FOIA's Time Limits Are Not Met](#) (Oct. 19, 2016)
 - [Decision Tree for Assessing Fees](#)
- [Guidance on the New Requirements for FOIA Response Letters, Including Affording Ninety Days to File an Administrative Appeal, and New Notification Requirements for Notices Extending FOIA's Time Limits Due to Unusual Circumstances](#) (July 18, 2016)
- [The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and Content of Requester Communications](#) (Nov. 22, 2013)

Module 6: Searching for Responsive Records

This module examines your Agency’s understanding of the requirements for conducting FOIA searches, your knowledge of your agency’s record systems, and the efficiency and effectiveness of your search procedures. This module has three subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Understanding Search Requirements and Fundamentals

The foundation of excellent search procedures is personnel who understand the legal requirements and fundamentals for conducting FOIA searches. This subsection examines your Agency's overall understanding of the legal requirements for conducting searches for records in response to FOIA requests and your Agency's procedures for documenting your search efforts.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A FOIA Staff receive training concerning the legal requirements for conducting a reasonable search.			
2.A Resources, such as training manuals and handbooks that provide instruction and guidelines on conducting searches at the Agency, are made available to FOIA Staff.			
3.A Individuals outside the FOIA Office whose assistance is needed to conduct searches are instructed on the standards for conducting a reasonable search.			
4.A Any memoranda sent to program offices tasking those			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
offices to conduct searches contain instructions on what is required to conduct a reasonable search, and FOIA Staff follow up on pending searches.			
5.A Supervisors review search terms and search parameters for each request and adjust as needed.			
6.A Search requirements and any new developments concerning search obligations are regularly discussed with FOIA Staff.			
7.A FOIA Staff document all aspects of the search conducted within each request's case notes, including the time spent searching.			
8.A Before conducting a search, the agency determines whether the same or similar requested records have been previously released or proactively disclosed.			
9.A Agency conducts a data-driven review of its search capabilities and needs as necessary to inform staffing and technology acquisition decision-making.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency regulations; agency/component policies, handbook, standard operating procedures; training materials, staff surveys, interviews, or observations; and FOIA response templates and language

Guidance and Best Practices for Understanding FOIA's Search Requirements

- Ensure that FOIA Staff are trained on the legal requirements for conducting record searches in response to FOIA requests and have access to resources such as handbooks and training manuals for conducting searches at the Agency.
- If applicable, conduct outreach with program offices and use detailed tasking memoranda to ensure such offices understand their search obligations.
- Provide deadlines for custodians to complete their searches and schedule regular follow-ups on outstanding search requests.
- Where the agency determines that records requested have been previously released or proactively disclosed, the agency should then either provide the previously processed records or direct the requester to the FOIA Library.
- In conducting a review of search capabilities and needs, agencies should:
 - Analyze information already collected for Annual FOIA Reports and in raw data to compile a longitudinal look at the numbers of FOIA requests involving searches that were received and processed; consider tracking the volume of the records reviewed; and review processing metrics of the agency's FOIA professionals and others involved in conducting searches.
 - Determine the types of records maintained within existing electronic systems, whether any new systems are anticipated, and identify any technologies needed to efficiently retrieve those records for FOIA processing. With this evidence in hand, agencies can better assess their current technological capabilities and anticipated future requirements, including staffing considerations.
- Proactively communicate with requesters early on, when necessary, to clarify requests in order to most efficiently use agency search resources. Memorialize any discussions with the requester regarding the scope of the request.
- Designate a supervisory official at your Agency who is responsible for assisting with any questions or issues that arise from a search, either from FOIA Staff or program office staff.
- Actively review search procedures to identify opportunities to gain further efficiencies and to address any issues.
- Develop standardized search forms or templates with mandatory fields that can be used by your FOIA Staff and, when applicable, program staff, to document searches.
 - Maintain the following types of information pertaining to each search:
 - (1) start date and cut-off date of search;
 - (2) all search terms used for the search;
 - (3) all locations and record systems searched;

- (4) if applicable, an explanation of any decisions made regarding the locations or systems to search (or not and why);
- (5) if the search was conducted in another program office, the identity of who conducted the search, the date the search was performed; and
- (6) the amount of search time expended between all offices and/or divisions searched.

OIP Guidance

- [Guidance for Agency FOIA Administration in Light of COVID-19 Impacts](#) (May 28, 2020)
- [The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and Content of Requester Communications](#) (Updated Aug. 15, 2014)

B. Conducting Searches

In addition to understanding the legal requirements for conducting a search, FOIA Staff must also have a working knowledge of all the different records your agency maintains and must know how to access those records so that they can conduct a reasonable search.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.B FOIA Staff in your agency are familiar with the various types of records maintained by your Agency, including record systems, databases, and physical locations where records are located.			
2.B FOIA Staff understand where to look for assistance, and have ready access to resources to assist them in identifying records potentially responsive to requests.			
3.B FOIA Staff create a search plan for each request and/or have general search plans for different types of common requests.			
4.B FOIA Staff and, if applicable, program staff, can conduct searches for all responsive records, including electronic records that are not			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
contained within a centralized database or electronic repository, hard-copy records that might be located in off-site facilities, and classified records.			
5.B FOIA Staff conduct dynamic searches that follow leads that may arise from search results.			
6.B Electronic documents are provided to FOIA Staff in their native/original format when possible.			
7.B IT solutions used to conduct searches are interoperable with FOIA case management or other processing tools to facilitate efficiency.			
8.B FOIA Staff continually examine ways to improve how searches are conducted both to increase efficiency and to improve identification of responsive material.			
9.B Agency has maximized its use of available technology and regularly considers the cost-effectiveness of acquiring additional technology to facilitate efficiency in conducting searches, particularly for emails and for voluminous requests.			

DATE COMPLETED:

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbook, standard operating procedures, training materials;, and FOIA and IT staff surveys, interviews, or observations

Guidance and Best Practices for Conducting Searches

- Ensure that FOIA Staff are aware of all record systems, databases, and physical locations of agency records and that they are kept up-to-date on any changes to these locations.
- Ensure that there are resources available to both FOIA Staff and any applicable program offices to assist in identifying the types of records maintained by the agency.
- Ensure FOIA Staff are aware of situations in which no search is required, e.g., agency plans to neither confirm nor deny the existence of records pursuant to a FOIA exemption.
- Develop search protocols and individual search plans for each request to help inform where record searches should be conducted and by whom.
- When feasible, construct searches so that they can satisfy multiple requests for similar records at once rather than conducting separate searches for each request individually.
- To the extent program offices are conducting searches, institute clear procedures outlining their responsibilities.
- Consider whether it is possible and would increase efficiency to have FOIA staff conduct searches themselves rather than relying on non-FOIA staff.
- FOIA Staff should conduct dynamic searches to follow leads that may arise as they review search results.
- Integrate best practices or processes for retrieving electronic records in their native/original format.
- Continually evaluate search protocols and procedures to identify ways to improve efficiency and effectiveness, including by regularly communicating with program offices to collaborate on building efficiencies into the search process.
- Before acquiring new or add-on applications to enhance existing technology to assist with searches, conduct a cost-benefit analysis of having staff manually perform aspects of the search process versus automating such processes.
- To lower their overall cost burden in responding to FOIA requests and maximize the use of technology in conducting searches, consider:
 - Collaborative platforms to enhance recordkeeping integrity and search capability.
 - e-Discovery Software to eliminate the need for custodians to manually conduct searches and reduce the amount of time it takes to perform searches.
 - Building agency technical support into the search process through collaboration with the agency's IT Office. Develop an IT expertise within the FOIA Office and/or form a collaborative relationship with the agency's IT staff.

- Central repositories of records, archiving or cloud-based tools to digitize and store documents in bulk for searches.
- Artificial Intelligence (AI) using machine learning, “predictive coding,” or “technology assisted review” in conducting FOIA searches.
- Whether search tools could be shared across multiple components to save costs.
- Leverage the budget cycle to request resources needed for FOIA programs.
- Create or participate in “communities of interest” with FOIA personnel from other agencies or components based on the use of specific FOIA IT tools to discuss best practices and troubleshoot practical issues.

OIP Guidance

- [Guidance for Further Improvement from 2012 Chief FOIA Officer Report Review and Assessment](#) (August 7, 2012)
Utilizing Advanced Technology/Establishing Multiple Processing Tracks/Closing Ten Oldest
- [OIP Guidance and Suggested Best Practices for Improving Transparency](#) (September 1, 2010)
Applying the Presumption of Openness/Creating Effective Systems/Increasing Proactive Disclosures & Use of Technology/Reducing Backlogs & Improving Timeliness

C. Identifying Responsive Records

For some FOIA requests, the search for records might entail an initial broad collection of potentially responsive material, which will then be further reviewed to identify responsive records. In those cases, a critical next step is to determine which of those records are actually responsive to the request and to identify any duplicates within those responsive records.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.C When potentially responsive records are located, FOIA Staff can devise approaches to further refine the search to pinpoint responsive material. This can be done manually or by using electronic tools. This process also removes any duplicates.			
2.C Rationale for decisions made, and any additional search terms used during the initial review are memorialized in the case notes.			
3.C Agency has maximized its use of technology to facilitate efficiency			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
in identifying responsive records and removing duplicate records within search results.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbook, standard operating procedures, training materials; and FOIA and IT staff surveys, interviews, or observations.

Guidance and Best Practices for Identifying Responsive Records

- For those requests where the Agency first conducts an initial broad search of records which will then be further reviewed to identify responsive material, ensure that FOIA Staff:
 - Understand how to efficiently identify and remove records that are not responsive to the request by either running additional searches against the collection using additional search terms and date ranges or by manually removing non-responsive material.
 - Identify and remove any duplicate records.
- Institute clear procedures requiring all FOIA Staff to memorialize determinations made during the initial review process.
- To maximize the use of technology in identifying responsive records consider:
 - Artificial Intelligence (AI) capabilities such as predictive coding or technology assisted review to enhance the ability to find responsive agency records.
 - Collaborative platforms to make record transfer more efficient.
 - Deduplication software to more efficiently identify and remove duplicate records.

OIP Guidance

- [Defining a "Record" Under the FOIA](#) (Jan. 11, 2017)

Module 7: Processing Procedures

This module examines agency procedures for processing responsive records. Effective processing procedures ensure that agencies are properly analyzing records to make accurate disclosure determinations and working efficiently to help improve average processing times. This module has two subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Processing Procedures

This subsection examines the procedures for processing responsive records for disclosure in an efficient manner.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A FOIA Staff understand how to use electronic review and processing tools, including marking and applying redactions.			
2.A FOIA Staff understand how to identify material for protection under the FOIA's exemptions and can easily contact supervisors with questions.			
3.A FOIA Staff apply the foreseeable harm standard when considering exemptions.			
4.A FOIA Staff average twenty or fewer working days to process simple track requests.			
5.A FOIA Staff segregate non-exempt information for release.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
6.A Redactions on partial releases are clearly marked with the applicable exemption on the document in accordance with OIP's Guidance.			
7.A The request file contains: <ul style="list-style-type: none"> • clean copies of all responsive documents; • working copies that show any redactions made; • copies of the documents as released to the requester; • copies of any documents withheld in full. 			
8.A There is a process to review the disclosure decisions made for each request.			
9.A Supervisors manage the flow of requests and continually look for ways to increase efficiency.			
10.A Agency uses multi-track processing and actively manages track assignment for each request.			
11.A The oldest pending requests are prioritized and managed.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
12.A FOIA Staff consistently document how a request has been handled at each stage of the process, so other staff members can easily complete processing of the request if needed due to staff turnover or reassignment of the request.			
13.A FOIA request files and drafts are accessible to supervisors and other staff as appropriate to pick up processing if needed due to staff turnover or reassignment of the request.			
14.A Agency considers whether acquiring advanced technology would improve efficiency in reviewing records and would be cost-effective.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency regulations, agency/component policies, handbooks, standard operating procedures, training materials, staff surveys, interviews, or observations, FOIA report data, metrics available from agency's FOIA tracking system, case files, public feedback

[Guidance for and Best Practices for Processing Responsive Records](#)

- To the extent feasible, incorporate the use of electronic tools to process responsive records for disclosure.
 - Develop standardized procedures for the use of the tools.
 - Ensure that FOIA staff are trained to fully utilize the capabilities of the tools to review records and apply exemptions.

- Ensure that FOIA Staff maintain copies of the responsive documents in the administrative request file in the following forms:
 - clean, unredacted copies of the records;
 - working copies where it is possible for reviewers to see through any redactions made; and,
 - processed copies as released to the requester and copies of any material withheld in full.
- Ensure FOIA Staff have proper training on the FOIA exemptions and applying the foreseeable harm standard. FOIA Staff should review records with an eye towards disclosure, withholding information only if there a reasonable likelihood of foreseeable harm in release or the information is otherwise protected by law.
- Ensure that FOIA Staff segregate non-exempt material for release.
 - Develop internal guidance concerning the obligation under the FOIA to release any reasonably segregable non-exempt portions of records.
 - Develop standardized procedures for marking exemptions on documents released in part, consistent with OIP's Guidance that requires exemption citations be placed next to, near, or in the body of the redaction so that it is clear to requesters what exemption applies to what deletion.
- If redactions are made electronically, confirm that the redactions cannot be removed once sent outside of the Agency.
- Institute a FOIA response review process to ensure at least one level of review before providing a final response to a FOIA request.
 - Ensure that the response review structure offers enough flexibility for FOIA management to reassign pending FOIA requests to other reviewers based on relevant workloads.
 - Ensure that FOIA Staff have access to FOIA reviewers to discuss the processing of complex requests.
 - Require that the review process encompass the search, the proposed response letter, the proposed redactions, application of the foreseeable harm standard, and the obligation to segregate. Ensure that the administrative record (i.e., the case file) is accurate, complete, and includes any correspondence, including emails, with the requester and, when applicable, documentation of any verbal conversations with the requester.
- Actively monitor and manage workflow, use multi-track processing, and update track assignments as needed. Monitor and prioritize closing the oldest pending requests.
- Consider leveraging technologies, such as technology assisted review, to aid in processing responsive records, including by identifying potentially exempt material where feasible.
- Consider whether tools such as case management systems, de-duplication, or other processing tools could be shared across components to save costs and staff time. Additionally, the FOIA office may be able to split the costs of tools needed less frequently (such as video redaction tools) with other offices that use these kinds of tools more frequently.
- Ensure FOIA Office has IT expertise or strong partnerships with IT staff to ensure that FOIA staff are maximizing the use of processing tools.
- Actively manage requests by tracking their status and ensuring visibility of overdue requests. Review reasons for cases becoming overdue and identify FOIA processing bottlenecks and that are contributing to backlog of requests.

OIP Guidance

- [Guidance for Agency FOIA Administration in Light of COVID-19 Impacts](#) (May 28, 2020)
- [OIP Guidance: Processing Reminders for the Last Quarter of Fiscal Year 2017](#) (Updated July 24, 2017)
 - Utilizing Multiple Processing Tracks/Closing Consultations/White House Consultation Procedures
- [Segregating and Marking Documents for Release in Accordance with the Open Government Act](#) (Oct. 23, 2008)

B. Application of Statutory Exclusions

While the use and application of FOIA's statutory exclusions is limited, it is important that FOIA Staff understand what records are covered by FOIA's three exclusions and whether they are required to include notice concerning exclusions in their response letters in accordance with OIP's Guidance.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.B All FOIA Staff are aware of the types of records covered by the statutory exclusions to the FOIA.			
2.B Agency has procedures in place to consult with OIP before using any exclusion.			
3.B Any agency or component that maintains criminal law enforcement records includes a standard notification in all of its response letters about the existence of exclusions in accordance with OIP's Guidance.			
4.B Agency website contains a brief description of the three statutory exclusions.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.

- 1 Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency regulations, agency/component policies, handbooks, standard operating procedures, training materials, staff surveys, questionnaires, interviews, or observations, FOIA response templates and language, case files, public feedback

Guidance and Best Practices for Applying Statutory Exclusions

- Require that all FOIA Staff review OIP's policy guidance on the implementation of the FOIA's statutory exclusion provisions.
- Ensure that before applying any statutory FOIA exclusion, your Agency first consults with OIP. OIP can be contacted at: (202) 514-FOIA (3642).
- Ensure that your agency's website contains a brief description of the three exclusions. Your agency's FOIA Reference Guide is a logical place to include this description.
- If applicable, ensure that all response letters contain the notification of the existence of exclusions as required by OIP's Guidance.

OIP Guidance

- [Implementing FOIA's Statutory Exclusion Provisions](#) (Sept. 14, 2012)

Module 8: Consultations and Referrals

This module reviews procedures for handling consultations, referrals, and coordinations, including focusing on the ten oldest pending consultations at your agency. Regardless of the size of your agency's FOIA operation, efficient and timely processing of referrals, consultations, and coordinations improves timeliness and reduces not only your agency's backlog but also the backlogs of other agencies. This module has five subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Overall Procedures for Consultations, Referrals, and Coordination

This section of the module addresses overall considerations for determining whether consultations, referrals, or coordinations are necessary and how to conduct them most efficiently.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A FOIA Staff understand how to identify records that contain another agency's equity and understand differences between consultation, referral, and coordination procedures.			
2.A FOIA Staff identify and send records that require consultation, referral, or coordination as soon as practicable when processing request.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>3.A FOIA Staff carefully review records to ensure they are responsive to underlying request before sending to another agency for referral, consultation, or coordination.</p>			
<p>4.A Agency has a well-defined process for timely processing referrals, consultations, and coordinations that it receives.</p>			
<p>5.A Agency has explored feasibility of and, whenever possible, entered into agreements with other agencies concerning the handling of their information that the Agency frequently locates to eliminate or reduce the number of consultations, referrals, or coordinations required.</p>			
<p>6.A Agency routinely reviews the age of pending consultations and, in particular, focuses on closing the oldest pending consultations each year.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency regulations, agency/component policies, handbooks, and standard operating procedures, training materials, FOIA report data, agendas and notes from meetings with internal staff and external stakeholders, staff surveys, interviews, observations; metrics available from agency's/component's FOIA tracking system

Guidance and Best Practices for Consultation, Referral, and Coordination Procedures

- Ensure that FOIA Staff understand the difference between a referral, consultation, and coordination.
- Ensure that FOIA Staff determine that records are responsive to the request before sending a consultation, referral, or coordination.
- Ensure that FOIA Staff send referrals and consultations and conduct coordinations as early as possible in the processing of a request.
- Consider entering into agreements with the other agencies regarding the processing of information or records that frequently appear in your files to avoid or reduce the need to conduct consultations, referrals, or coordinations.
- Create an annual plan to reduce the number of backlogged consultations each fiscal year, particularly the ten oldest.
 - Establish goals for individual FOIA Staff to close out consults that your agency has received.
- To the extent that your agency handles sensitive law enforcement information, information concerning national security, and/or information that may implicate certain sensitive privacy concerns, institute a comprehensive list of procedures for timely recognizing the need for coordinations, as described in OIP’s Guidance.
- Focus on closing all consultations, in particularly the ten oldest, in a timely manner as a way to assist other agencies in ultimately closing the request.

OIP Guidance

- [Closing the Ten Oldest Pending Requests and Consultations](#) (Updated Aug. 24, 2014)
- [Referrals, Consultation, and Coordination: Procedures for Processing Records When Another Agency or Entity Has an Interest in Them](#) (Dec. 5, 2011)

B. Procedures for Sending Referrals and Consultations

This section of the module examines your agency’s procedures for sending referrals and consultations to other offices or agencies.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.B Once records for <i>referral</i> are identified, the Agency promptly sends a copy of the records, initial request letter, and the other items listed in the Guidance below to the originating agency (or the agency best suited to process the records).			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
The sending Agency retains a copy of the package sent to the receiving agency.			
2.B Once records have been referred to another agency, the sending Agency sends a letter to the requester informing them that records have been referred and provides FOIA contact information for the other agency.			
3.B When records are identified that need <i>consultation</i> with another agency, the Agency promptly sends a copy of the records, initial request letter, and the other items listed in the Guidance below to the agency whose views are sought. The sending Agency retains a copy of the package sent to the receiving agency.			
4.B FOIA Staff regularly follow up on consultations that are pending with other agencies.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbooks, and standard operating procedures, training materials, staff surveys, interviews, or observations; FOIA response templates and language, case files

Guidance and Best Practices for Improving Procedures for Handling Referrals and Consultations

Referrals

- Review your Agency's current procedures to timely identify, process, and respond to referrals. When reviewing your current procedures, consider the following:
 - Ensure that FOIA Staff are encouraged to identify records that originated with another agency or that are more appropriately processed by another agency as early as possible in the processing of requests.
 - Ensure FOIA Staff are aware that, while typical practice is to refer records originating with other agencies, agencies may jointly agree to handle records as a consultation.
 - Require that records identified for referral be sent to the other office or agency for processing and direct response to the requester as soon as practicable.
 - Incorporate safeguards to ensure that any referrals are only made to entities that are subject to the FOIA.
 - Develop procedures for consulting with entities not subject to the FOIA that have equity in your Agency records.
 - Incorporate quality assurance measures to ensure that all records being referred are responsive to the request at issue.
 - Ensure that records being prepared for referral have been reviewed by FOIA Staff for any equity that your Agency may have so that you can provide your views on disclosability when you make the referral.
 - Require FOIA Staff to include a set of standard information in referral packages. This information should include:
 - (1) a copy of the request;
 - (2) your Agency's request number;
 - (3) the date the request was received by your Agency;
 - (4) a copy of the referred records;
 - (5) any recommendations your Agency has on the disclosure determination of the records being referred;
 - (6) a point of contact at your Agency for the request; and
 - (7) any additional information that may be necessary or useful to the agency receiving the referral.
- Ensure that all referrals are documented in the case file and requesters are notified in accordance with OIP Guidance.
 - Incorporate standard notifications to requesters concerning referrals in your Agency's response letters.
 - This notification should provide the following information to the requester:
 - the name of the agency to which the referral was sent and
 - contact information for that agency.
 - Institute a system of review of all referral packages before they are sent.
 - Whenever possible, establish agreements with other offices and agencies for the processing of records that your Agency frequently refers to them.
 - Require FOIA Staff to maintain an administrative record documenting all aspects of referrals.

Consultations

- Review your Agency's current procedure to timely identify, process, and respond to consultations. When reviewing your current procedures, consider the following:
 - Ensure that FOIA Staff are encouraged to actively identify information that requires a consultation as early as possible in the processing of requests.
 - Require that records identified for consultation are sent to the other office or agency with equity for their review as soon as practicable.
 - Use the most time-efficient mechanism to conduct the consultation. In certain situations, an email or phone call to the agency whose views are being sought may be sufficient.
 - For consultations requiring a more extensive review by the other agency, require FOIA Staff to include a set of standard information in consultation packages. This information should include:
 - (1) a copy of the request;
 - (2) your Agency's request number;
 - (3) the date the request was received by your Agency;
 - (4) clean copies of the documents at issue;
 - (5) any recommendations your Agency has regarding disclosure;
 - (6) a point of contact at your Agency; and
 - (7) any other information that would be helpful in the analysis of documents.
 - Conduct consultations simultaneously, rather than sequentially, whenever possible to ensure greater efficiency. When doing so, advise the receiving agencies of the other agencies that are also reviewing the documents.
- Ensure that all consultations are documented and tracked.
 - When providing updates to requesters on the status of their requests, include information concerning ongoing consultations. Ordinarily, with the exceptions noted in OIP's Guidance where coordinations are appropriate rather than consultations, agencies should provide the requester with the identity of the entity being consulted.
 - Establish mechanisms to facilitate prompt responses to consultations, such as having a designated point of contact or utilizing shared document platforms.
 - Institute a system of review of all consultation packages before sending.
 - Whenever possible, establish agreements with other agencies and offices on regularly occurring information to eliminate the need to conduct consultations.
 - Ensure that all consultations are documented and tracked.
 - Establish a reminder system to regularly follow-up on outstanding consultations.

OIP Guidance

- [Referrals, Consultation, and Coordination](#): Procedures for Processing Records When Another Agency or Entity Has an Interest in Them (Dec. 5, 2011)

C. Procedures for Processing a Referral from Another Agency

This section of the module examines the procedures your Agency uses after receiving a referral of responsive records.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.C Agency enters referral into its tracking system upon receipt and places the referral in the appropriate processing track according to the date the FOIA request was received by the agency making the referral.</p>			
<p>2.C Agency promptly sends the FOIA requester an acknowledgment of the referral, identifying the sending agency and tracking numbers assigned to the request by each agency, and provides FOIA contact information.</p>			
<p>3.C Agency processes the referred records as a typical FOIA request, provides the final response to the requester, including appeal rights as appropriate, and accounts for the request in their Annual FOIA Report.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbooks, and standard operating procedures, training materials, staff surveys, interviews, or observations; FOIA response templates and language, case files, metrics available from agency/component FOIA tracking system, public feedback

Guidance and Best Practices for Improving Current Procedures for Processing a Referral from Another Agency/Office

- Establish formal procedures for how your Agency responds to referrals.
 - Integrate a tracking mechanism for incoming referrals that assigns referrals to the appropriate track in your Agency and that queues referrals based on the date the referring office or agency received the request.
 - Send acknowledgement letters to notify requesters of your Agency’s receipt of referrals, and ensure you provide requesters with both the referring office or agency’s tracking number and your agency’s tracking number.
- Ensure that your Agency provides its own appellate authority in a statement of appeal rights in final responses to the requester.

OIP Guidance

- [Referrals, Consultation, and Coordination](#): Procedures for Processing Records When Another Agency or Entity Has an Interest in Them (Dec. 5, 2011)

D. Procedures for Processing a Consultation

This section of the module examines procedures your Agency uses after receiving a consultation from another office or agency.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.D Agency promptly enters consultations received into their tracking system, indicating that they are consultations.			
2.D Agency promptly assigns consultations to FOIA Staff for processing based on current workload.			
3.D Agency has established time-efficient procedures and tools for			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
providing responses to consultations to the sending agency.			
4.D Agency periodically reviews the subject matter and frequency of consultations to identify ways to streamline or remove the need for future consultations.			
5.D Agency accurately tracks when consultations were received and closed for inclusion in the Annual FOIA report.			
6.D Agency actively monitors progress of its work in closing consultations that it has received, including closing its oldest consultations each year.			
7.D Agency has a designated contact for consultations that other agencies may contact to inquire about the status of pending consultations.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbooks, and standard operating procedures, training materials; staff surveys, interviews, or observations; FOIA response templates and language, case files, metrics available from agency/component FOIA tracking system

Guidance and Best Practices for Improving Your Office's Current Procedure for Processing a Consultation

- Establish formal procedures for how your Agency responds to requests for consultations.
 - Develop a process for assigning consultations in your Agency's queue and to FOIA Staff based on current workload.
 - Integrate a tracking mechanism for open consultations, and account for all consultations in your Agency's Annual FOIA Report.
 - Actively monitor the average response time of your Agency in handling consultations including focusing on closing the oldest pending consultations each year.
- Ensure that you have an efficient process to review records sent to your Agency for consultation, including review of the disclosure determinations your Agency provides.
- Consider whether particular tools or technology would help the consultation process.
- Ensure that you continuously assess the subject matter and frequency of the consultations you receive so that you can identify ways to streamline or eliminate the need for certain consultations.
- Designate a point of contact for open consultations.

OIP Guidance

- [Referrals, Consultation, and Coordination](#): Procedures for Processing Records When Another Agency or Entity Has an Interest in Them (Dec. 5, 2011)

E. Coordination Procedures

This section of the module examines your agency's knowledge of and practices involving "coordination" with another agency, rather than a referral. The need for modified procedures for handling sensitive records arises when an agency locates in its files law enforcement records originating with a law enforcement agency or classified records originating with an agency that is a member of the Intelligence Community. When responding to requests that encompass those records, it is occasionally necessary to use modified procedures in order to avoid inadvertently revealing a sensitive fact that could invade someone's personal privacy or damage national security interests. Under such modified procedures, the agency that originally received the request will itself typically respond to the requester after coordinating with the law enforcement or Intelligence Community agency that originated the records. This coordination is done in place of sending a referral.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.E Agency trains FOIA Staff to identify law enforcement or national security related records that have not been acknowledged by the originating law enforcement or Intelligence office or agency.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>2.E When such records are identified, your Agency coordinates with the agency that originated the records to determine whether a referral is possible, and if not, to obtain the originating agency's views on disclosability, in accordance with OIP's Guidance on this topic.</p>			
<p>3.E After records are forwarded for coordination, your Agency has a process to regularly follow up with the agency whose views are sought.</p>			
<p>4.E Your Agency remains responsible for responding to inquiries about the status of the request from the requester.</p>			
<p>5.E To the extent your Agency receives coordination inquiries from other agencies, you have a process to promptly respond to those coordination requests and, if needed, to provide any status updates to the sending agency to pass on to the requester.</p>			
<p>6.E Any coordination requests your agency receives from other agencies are included as consultations in your agency's Annual FOIA Report.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbooks, and standard operating procedures, training materials; staff surveys, questionnaires, interviews, or observations; memoranda, and emails

Guidance and Best Practices for Improving Procedures for Coordinations

- Ensure that FOIA Staff are trained as appropriate to properly identify and handle records that could be the subject to coordination, as outlined in OIP's Guidance. Training should include all aspects of proper coordination, including identifying when it might be needed, contacting the originating agency to obtain their views, providing the originating agency copies of the request and requested records, and then responding to the requester, as detailed in OIP's Guidance.
 - Ensure release determinations for records that are the subject of the coordination are conveyed to the requester by the agency originally in receipt of the request.
- Develop safeguards to ensure that determinations on coordinations are made before disclosure of unacknowledged records. FOIA Staff should avoid automatically following referral procedures when Agency receives request involving unacknowledged law enforcement or national security records originating with another agency or component.
 - Institute standard procedures for inquiring about and providing status information concerning coordinations. Ensure FOIA requesters retain a point of contact who can provide status updates during the pendency of the coordination.
- Evaluate the merits of developing a working list of certain records that are more likely to require coordination with another agency, rather than a referral.
- Develop a system to track any outstanding coordinations and follow up with the agency, if needed.
 - Ensure that when your agency receives coordinations, they are assigned tracking numbers and accounted for as consultations in your Agency's Annual FOIA Reports.

OIP Guidance

- [Referrals, Consultation, and Coordination](#): Procedures for Processing Records When Another Agency or Entity Has an Interest in Them (Dec. 5, 2011)

Module 9: Response Language

Using accurate and clear language in FOIA response letters at the initial request stage helps agencies ensure that requesters understand agency actions and that the agency has a complete administrative record. This module examines your Agency’s response language and response review process. This module has two subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. FOIA Response Preparation and Response Language

Using standard response language as a basis for all FOIA responses helps agencies ensure that responses to all FOIA requesters are consistent and legally accurate. It is equally important to retain flexibility to tailor responses and to include any additional information or brief explanation that will make the response more informative and increase the requester’s understanding of the handling of their request.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A Agency’s standard language covers acknowledgment, unusual circumstances, expedited processing, fees, availability of agency’s FOIA Public Liaison and Office of Government Information Services as well as final decisions, including an explanation of exemptions applied and that the foreseeable harm standard was considered.			
2.A Agency has a process for regularly reviewing and updating standard response language for accuracy and clarity.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
3.A FOIA Staff use the most recent standard language while also customizing letters whenever feasible to be more informative and increase understanding of the handling of the request.			
4.A If the Agency maintains law enforcement records, standard language about the FOIA's exclusions are included in all responses.			
5.A Agency communicates with requester electronically by default, or by using the requester's preferred form of communication, whenever practicable.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to identify next steps for improvement.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency regulations, agency/component policies, handbooks, and standard operating procedures, training materials, agendas and notes from meetings with internal staff and external stakeholders, staff surveys, interviews, observations; response letters; records of phone calls or emails with requesters.

Guidance and Best Practices for FOIA Response Preparation and Use of Standard and Tailored Language

- If not used already, develop standardized FOIA response language for FOIA Staff to use in responding to FOIA requests.
 - Ensure that the language database uses plain language that requesters can easily understand.
 - Ensure that of the language accurately explains the FOIA exemptions and that the foreseeable harm standard was applied, fee requirements, and expedited processing requirements.
 - Designate a member of your FOIA Staff to be primarily responsible for maintaining your Agency's FOIA language database.

- Promptly update the language database to reflect new developments in case law, amendments to the FOIA statute, new guidance, and changes to your Agency’s FOIA regulations.
- Confirm that all FOIA Staff have access to and are using the most recent version of your Agency’s language database.
- Encourage FOIA Staff to make recommendations for updating the standard language.
- Confirm that your Agency’s language database includes current citations to the FOIA, Privacy Act, other statutes (if applicable), your Agency FOIA regulations, and case law.
- If your Agency maintains law enforcement records, confirm that your FOIA responses include standard exclusion language.
- Ensure that FOIA Staff identify issues or topics that could be better explained to the requester through customized language tailored to the particular request.
- Include brief, tailored explanations in response letters whenever doing so will increase understanding of the handling of the request.
- Communicate with requesters using their preferred form of communication, whenever practicable

OIP Guidance

- [Guidance on the New Requirements for FOIA Response Letters, Including Affording Ninety Days to File an Administrative Appeal, and New Notification Requirement for Notices Extending FOIA's Time Limits Due to Unusual Circumstances](#) (July 18, 2016)
 - [Implementation Checklist and Sample Language for OIP Guidance on New Requirements for FOIA Response Letters and Notices Extending the FOIA's Time Limits Due to Unusual Circumstances](#)
- [The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and Content of Requester Communications](#) (Nov. 22, 2013)
- [New limitations on Tolling the FOIA's Response Time](#) (Nov. 18, 2008)

B. Review Chain and Response Transmission

This subsection examines your Agency’s review process for providing responses to requesters.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.B Your Agency has a well-defined, mandatory review structure for reviewing responses to FOIA requests.			
2.B Reviewers can reassign work or shift review responsibilities where appropriate to account for changes in workload.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>3.B Reviewers are easily accessible to FOIA Staff to answer questions about request processing and responses.</p>			
<p>4.B Reviewers regularly check in with FOIA Staff about the status of ongoing complex requests.</p>			
<p>5.B When reviewing a response, the reviewers examine the entire administrative record to ensure it is complete, including at minimum: the request, search documentation, and the draft response, including responsive records and any redactions.</p>			
<p>6.B Reviewers ensure that responses are clear, complete, and include tailored language whenever helpful, and that responses are transmitted electronically by default, or according to the requester's preference.</p>			
<p>7.B Reviewers ensure that all correspondence with the requester is maintained in the case file.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency regulations, agency/component policies, handbooks, and standard operating procedures, training materials, agendas and notes from meetings with internal staff and external stakeholders, staff surveys, interviews, observations; response letters.

Guidance and Best Practices for Review Chain and Response Transmission

- Ensure that your Agency has a clearly defined process for reviewing responses to FOIA requests:
 - For efficiency, the review structure may include multiple levels of review based on complexity of the request and/or response.
- Confirm that all FOIA Staff understand their individual role as well as the roles of others in your Agency's review structure. Designate someone within your Agency to monitor and manage the FOIA review workflow. This person should be primarily responsible for ensuring adequate distribution of review work for maximum review efficiency.
 - Ensure that your FOIA review process retains some flexibility so that pending FOIA requests and/or consults can be reassigned to other reviewers based on workloads.
- Ensure that FOIA Staff have easy access to FOIA reviewers to discuss the processing of complex requests.
 - Establish periodic case inventory meetings for FOIA Staff to discuss ongoing FOIA requests with reviewers and to allow FOIA reviews to monitor progress on older requests.
- As a part of the review process, require reviewers to review the entire administrative record for completeness, including, but not limited to:
 - the request;
 - search documentation;
 - the proposed response letter, including the use of tailored language whenever helpful; and,
 - all proposed redactions.
- To the extent feasible, ensure that your Agency transmits all FOIA responses and responsive records electronically by default, or in the format requested by the requester.
- Require that FOIA Staff maintain a record of every communication to and from a requester. Ensure that the date the correspondence was either received or sent, or the date a phone conversation occurred, is documented and that all attachments to any correspondence are maintained.

Module 10: Training and Employee Development

Regular, substantive FOIA trainings help to ensure that FOIA Staff understand and can properly apply the law and its requirements. This module examines your Agency's efforts to make relevant FOIA training available to FOIA Staff and assesses your efforts to develop the knowledge base of your FOIA Staff. This module consists of two subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Available Training Opportunities

This subsection examines whether your Agency provides opportunities for FOIA Staff to attend relevant training that develops or refreshes their understanding of all aspects of FOIA administration.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A All new FOIA Staff members receive training to become familiar with: <ul style="list-style-type: none"> • the FOIA's legal requirements, • your Agency's regulatory requirements, • OIP's policy guidance, and • your Agency's FOIA procedures, including the types of records maintained by the agency, how to best locate those records, and how to make disclosure determinations. 			
2.A Agency hosts regular, substantive FOIA training for all			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
FOIA Staff and/or actively encourages them to attend substantive outside FOIA training, such as that provided by the Department of Justice , at least once per year.			
3.A FOIA Staff are encouraged to suggest topics for future training; and FOIA Managers identify potential topics based on updates to the law and frequently-encountered issues.			
4.A Non-FOIA staff are informed, through training or other outreach, about their unique roles and responsibilities in implementing the FOIA.			
5.A Agency maintains standard operating procedures that document the FOIA process at the agency as a resource for employees and updates the SOPs as needed.			
6.A FOIA Staff are trained on how to properly use various technology and tools leveraged as part of FOIA processing.			
7.A Agency briefs senior level officials on the agency's FOIA obligations.			
8.A Agency leadership actively supports FOIA programs and senior agency officials remind employees			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
of their responsibilities and obligations under the FOIA.			
9.A Agency makes available OIP’s e-learning modules to its entire workforce.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbooks, standard operating procedures, training materials; staff surveys, interviews, or observations; and staff newsletters, memoranda, or emails

Guidance and Best Practices for Making Training Opportunities Available

- Ensure that all new FOIA Staff are trained and have a comprehensive understanding of the substantive provisions of the FOIA as well as the practical application of the law at your Agency. This training should include the FOIA’s legal requirements, OIP’s policy guidance, your Agency’s FOIA regulations, as well as Agency procedures for searching and processing records.
- Designate an annual goal for all FOIA Staff to attend a specified number of training opportunities and monitor progress toward attaining that goal. OIP encourages all FOIA Staff to attend substantive FOIA training at least once per year.
- Ensure that FOIA Staff are aware of relevant training opportunities available to them both inside and outside your Agency and, in particular, of OIP’s regular training and e-Learning courses.
- Ensure that FOIA supervisors are receptive to suggestions concerning additional training and actively monitor staff performance for areas that would benefit from dedicated training. Agency personnel can be in the best position to inform their agency of the type and form of training they most need, and open lines of communication can be key to designing an effective training program. Assess your Agency’s ability to provide internal training on topics that are particularly relevant to the agency. Ensure that all FOIA supervisors are aware of both the specialized training available and DOJ’s advanced training courses for experienced FOIA staff. Different training formats such as online training modules or hands-on workshops can enhance an agency’s existing FOIA training program. Additionally, training need not be limited to–formal settings and can be provided through short FOIA briefings, virtual events, and as part of regularly held staff meetings.

- In training non-FOIA professionals, agencies are encouraged to promote the notion that “FOIA is everyone's responsibility.” In particular, agencies should ensure that any agency personnel who are relied upon by FOIA professionals to support the work of the FOIA program understand their responsibilities.
- Agencies should ensure that both senior executives and records custodians in the program offices have a proper understanding of their unique roles and responsibilities in implementing the FOIA.
- Consider how the agency can incentivize participation in FOIA training and whether funding may be available for external professional development opportunities related to FOIA.
- Employees receive in-depth and prompt training on FOIA technology critical to FOIA administration for the agency.
- Agency maintains standard operating procedures (SOP) documenting the FOIA process at the agency. SOPs can be a useful tool in training new employees and serving as a reference for personnel. The SOP should be reviewed and updated as needed to reflected changes in law, best practices, and technology.
- Develop senior-level agency support of FOIA programs by briefing senior-level officials on the FOIA’s legal requirements, including Federal employees’ federal records and FOIA responsibilities; the importance of compliance with these legal mandates; and how the senior officials may be uniquely positioned to support agency FOIA administration.
- Agency makes available the three e-learning modules provided by OIP to its entire workforce:
 - *Freedom of Information Act Training for Executives* – A 15-minute course that provides a basic overview of the FOIA and explains how this law impacts agency leaders. Topics covered include an overview of the FOIA, proactive disclosure, reporting and accountability, and FOIA resources and support.
 - *Freedom of Information Act Training for Federal Employees* – A 1-hour course that provides a primer on the FOIA and explains how employees can assist your agency in FOIA administration. Topics covered include who can make a request, the FOIA's time limits, and searching for responsive records.
 - *Freedom of Information Act Training for FOIA Professionals* – An in-depth course designed specifically for FOIA professionals and addressing all of the major procedural and substantive requirements of the law. Topics covered include receiving and acknowledging FOIA requests, statutory protections for sensitive information, working in a spirit of cooperation, and providing good customer service.

OIP Guidance

- [Memorandum from Associate Attorney General Vanita Gupta to Agency General Counsels and Chief FOIA Officers of Executive Departments and Agencies Regarding Freedom of Information Act Training](#) (August 17, 2022)
- [Memorandum from Acting Associate Attorney General Stuart Delery to Agency General Counsels and Chief FOIA Officers of Executive Departments and Agencies Regarding Freedom of Information Act Training](#) (October 28, 2015)

B. Employee Development

This subsection examines whether your Agency provides its FOIA professionals with a career path and opportunities for growth.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.B The agency has developed a career path for FOIA Staff and opportunities for growth within the agency.</p>			
<p>2.B FOIA Staff have defined processing/productivity goals, tailored to their experience level and agency priorities.</p>			
<p>3.B FOIA Staff who interact with the public, such as the Requester Service Center and Public Liaison, receive guidance on effective communication with requesters.</p>			
<p>4.B FOIA Staff are encouraged to build and strengthen collaboration with IT departments and other FOIA professionals within and outside the agency to improve FOIA administration.</p>			
<p>5.B FOIA Staff are encouraged to participate in government-wide initiatives, such as the committees and working groups of the Chief FOIA Officers Council.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbooks, standard operating procedures, training materials; staff surveys, interviews, or observations; and staff newsletters, memoranda, or emails

Guidance and Best Practices for Employee Development

- In order to develop career paths for FOIA professionals, consider implementing the following:
 - Expand the pool of experienced and qualified individuals for FOIA work by creating rotational programs to expose inexperienced or entry-level employees to FOIA.
 - Leverage the Government Information Specialist series when recruiting.
 - Develop internship, externship, Pathways, fellowship, Honors Program positions as a gateway to permanent FOIA positions within the agency. Build partnerships with local universities and law schools to fill these positions.
 - Rotate FOIA staff through the various aspects of FOIA processing, appeals, and litigation to encourage cross-training and to foster an in-depth understanding of FOIA administration within the agency.
 - Provide leadership opportunities for experienced staff and offer mentoring of new FOIA staff.
- Consider how processing/productivity goals can be used to motivate employees and fulfill agency priorities. For example, consider the numbers of case closures or pages reviewed, and overall work quality.
- Encourage FOIA Staff participation in intra-agency or government-wide working groups, such as the Chief FOIA Officers Council, to address common FOIA needs and challenges.
- Actively seek FOIA Staff input when developing and updating FOIA processing procedures and in assessing IT needs.

OIP Guidance

- [Attorney General's FOIA Guidelines](#) (March 15, 2022)
- [The Importance of Quality Requester Services: Roles and Responsibilities of FOIA Requester Service Centers and FOIA Public Liaisons](#) (June 12, 2018)
- [Assigning Tracking Numbers and Providing Status Information for Requests \(Updated Guidance\)](#) (July 8, 2014)
- [The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and Content of Requester Communications](#) (November 22, 2013)
- [The Importance of Good Communication with FOIA Requesters](#) (March 1, 2010)

Module 11: Requester Services

Working with FOIA requesters in a spirit of cooperation and maintaining open communication helps agencies and requesters alike. This module examines your Agency’s requester service and communication practices throughout the FOIA process. This module has two subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. FOIA Requester Service Centers and FOIA Public Liaisons

FOIA Requester Service Centers and FOIA Public Liaisons are available to assist requesters throughout the request process. These services are critical to helping requesters understand the FOIA process and maintaining open communication for improved processing efficiency.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A FOIA Requester Service Center Staff and FOIA Public Liaisons follow OIP’s guidance on good communication practices.			
2.A FOIA Staff are provided instruction and best practices for engaging with requesters.			
3.A FOIA Requester Service Center has accurate contact information posted online (on the Agency’s website and FOIA.gov) and provides timely responses to public inquiries.			
4.A FOIA Public Liaison is a supervisory official, has accurate			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
contact information posted online, and provides timely responses to public inquiries.			
5.A FOIA Public Liaison is familiar with the mediation services offered by the Office of Government Information Services (OGIS) at NARA.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbooks, standard operating procedures, training materials; staff surveys, interviews, or observations; staff newsletters, memoranda, or emails; agency website and FOIA.gov; public feedback.

[Guidance and Best Practices for FOIA Public Liaison and FOIA Requester Service Center](#)

- Ensure that your Agency’s FOIA Public Liaison and FOIA Requester Service Center are instructed on their responsibilities in these roles and provided best practices to assist in their communications with requesters.
- Ensure that all relevant contact information for both your Agency’s FOIA Public Liaison and FOIA Requester Service Center are easily accessible and current on your Agency's public FOIA website and FOIA.gov.
 - Designate someone within your Agency to be primarily responsible for maintaining this contact information and ensuring that it is accurate.
- Monitor both the FOIA Public Liaison and FOIA Requester Service Center to ensure that inquiries are promptly answered, ideally within 1 working day.

OIP Guidance

- [Guidance for Agency FOIA Administration in Light of COVID-19 Impacts](#) (May 28, 2020)

- [The Importance of Quality Requester Services: Roles and Responsibilities of FOIA Requester Service Centers and FOIA Public Liaisons](#) (June 12, 2018)
- [The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and Content of Requester Communications](#) (Nov. 22, 2013)
- [The Importance of Good Communication with FOIA Requesters](#) (March 1, 2010)

B. Responsiveness and Working in a Spirit of Cooperation with Requesters

One of the cornerstones to working in a spirit of cooperation is ensuring that FOIA Staff promptly respond to requester inquiries and maintain open communication throughout the request process.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.B Agency provides each requester with a point of contact to answer any inquiries.			
2.B FOIA Staff reach out to requesters as needed to clarify the scope of the request, to discuss the search, or to otherwise facilitate the most efficient handling of the request.			
3.B FOIA Staff provide requesters with status information about their request, including an estimated date of completion, proactively or upon request.			
4.B FOIA Staff contact requesters using the most efficient means of communication (phone, email, or requester preference) as needed to clarify requests, memorializing any verbal discussions in writing.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
5.B FOIA Staff promptly respond to requester inquiries, ideally within one working day.			
6.B FOIA Staff provide requesters with interim responses if feasible.			
7.B Agency has protocols on requester communication that fulfill the statutory requirements of FOIA and promote good customer service.			
8.A Agency periodically reaches out to its requester community to facilitate open communication and feedback.			
9.A Agency maximizes the use of technology in providing updates and documents to requesters.			
10.A Agency has developed and regularly updates its language database for staff use in responding to requests and requester inquiries.			
11.A FOIA Staff maintain detailed case notes for each request to assist in communicating with requesters and tracking progress.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbooks, standard operating procedures, training materials; staff surveys, interviews, or observations; staff newsletters, memoranda, or emails; agency website and FOIA.gov; public feedback.

Guidance and Best Practices for Responsiveness to Inquiries

- Provide every requester with a point of contact who can respond to any inquiries about their request.
- Encourage FOIA Staff to reach out to requesters early and throughout the lifecycle of the request to discuss any aspect of the request or its handling to facilitate the most efficient processing.
- Build trust between requesters and FOIA staff by emphasizing mutual benefit through communication. For example, FOIA staff might explain to a requester that simplifying a request allows staff to search more efficiently and that benefits the requester by moving the request to a faster processing track.
- Confirm that FOIA Staff are aware of their statutory obligation to provide status information and estimated dates of completion to requesters upon request.
 - Ensure that your Agency has designated a telephone number or an online service that requesters can use to check the status of their request using a tracking number, pursuant to 5 U.S.C. § 552(a)(7)(B).
 - If feasible, proactively provide requesters with status information about pending requests (e.g., through an online portal system).
 - Consider developing a template letter that includes standardized language for each of the required elements in responding to requests for status updates.
- Ensure that FOIA Staff communicate with requesters using the most efficient method of communication (such as email or phone) or the requester's preferred method if feasible.
- Require FOIA Staff to memorialize in writing any verbal conversations with the requester. If appropriate, follow up with the requester in writing to summarize any oral communications and agreements.
- Ensure that FOIA Staff promptly respond to any requester inquiry, ideally within one working day.
- To the extent feasible, provide requesters with interim responses to FOIA requests. For voluminous requests, discuss the contents of the interim releases and work with requesters to clarify their requests for faster processing.
- Confirm that FOIA Staff follow OIP's guidance on good communication.
- Develop protocols on requester communication that fulfill the statutory requirements of FOIA and promote good customer service.
- Manage requesters' expectations by explaining agency procedures and the types of records maintained.

- Periodically reach out to the requester community and civil society organizations to help requesters better understand the agency's FOIA process and to provide requester community with an opportunity to share tips on how to engage effectively with requesters throughout the FOIA process.
- Ensure the technology used to provide updates and documents to requesters is user friendly. Some ways to create a user-friendly system include minimizing the steps required for requesters to access information from the system and providing tracking or status information for each step of the FOIA process. Using technology to make such information available online enables requesters to self-help and minimizes calls to the Requester Service Center for basic status information.
- Maintain detailed case notes for each request to enable FOIA staff to easily track a request's progress through the FOIA process and permits other staff members to provide status information upon request. Agencies should limit the use of still interested letters and ensure they are properly implemented in accordance with OIP's guidance when they are used.

OIP Guidance

- [Implementation Checklist and Sample Language for OIP Guidance on New Requirements for FOIA Response Letters and Notices Extending the FOIA's Time Limits Due to Unusual Circumstances](#) (August 16, 2016)
- [Limitations on Use of "Still-Interested" Inquiries](#) (July 2, 2015)
- [Assigning Tracking Numbers and Providing Status Information for Requests](#) (Updated Guidance July 8, 2014)
- [The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and Content of Requester Communications](#) (Nov. 22, 2013)
- [The Importance of Good Communication with FOIA Requesters](#) (March 1, 2010)

Module 12: FOIA Reporting and Data Analysis

FOIA Reports provide the public with a wealth of data concerning each agency’s administration of the FOIA. This module examines your Agency’s processes for collecting and verifying the data and information contained in Agency Quarterly FOIA Reports, Annual FOIA Reports, and Chief FOIA Officer Reports. This module has four subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Quarterly FOIA Reports

Quarterly FOIA Reports provide key metrics about an agency’s FOIA operations during the course of the fiscal year.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A Agency has an efficient process in place for collecting the relevant data required for quarterly reports.			
2.A Agency posts its quarterly report data to FOIA.gov in accordance with OIP Guidance no later than the last Friday of the month following the end of a quarter.			
3.A Quarterly report data is tracked over time and used by management and/or leadership to inform best practices and challenges in the agency's FOIA administration.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbooks, standard operating procedures, training materials; staff surveys, interviews, or observations; agency Quarterly Reports; agency website and FOIA.gov.

Guidance and Best Practices for Quarterly FOIA Report Process

- Review OIP’s [Updated Guidance for Quarterly FOIA Reporting](#) to understand the required metrics and technical requirements for posting the data on [FOIA.gov](#). Ensure that your Agency knows which FOIA metrics to collect for quarterly reports and the deadlines for posting these reports.
- Actively track the quarterly FOIA metrics to help ensure efficient retrieval of this data for quarterly reports.
- If decentralized, designate officials who are responsible for providing and compiling quarterly report metrics for your Agency.
- Institute an after-action review of the report workflow after each fiscal year (or quarter) to identify and remove any barriers to the efficient collection of data.
- Confirm that all relevant stakeholders and officials within your Agency receive copies of Quarterly Reports for their reference and use.
- Work with your agency’s FOIA.gov Agency Manager account holder to ensure successful and timely submission of the data on FOIA.gov. When ready to submit data, Agency Managers should log into FOIA.gov to create the quarterly report and submit the data to OIP. If the data is entered after the reporting deadline, contact OIP to confirm publication of the data.
- Contact OIP with any questions about posting.

OIP Guidance

- [OIP Guidance for Further Improvement Based on 2019 Chief FOIA Officer Report Review and Assessment](#) (January 22, 2020)
- [Updated Guidance for Quarterly FOIA Reporting](#) (October 4, 2021)

B. Annual FOIA Reports

Agency Annual FOIA Reports represent the comprehensive, statistical overview of an Agency’s FOIA operations over the course of a fiscal year. These reports track metrics such as the numbers of FOIA requests, appeals, and consultations received and processed, the amount of time taken to process requests, and exemption usage. This subsection of the module examines how your Agency collects and compiles the data needed for the Annual FOIA Report.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.B Agency tracks the information necessary for each request throughout the fiscal year so that the information can be easily compiled at the end of the year.</p>			
<p>2.B Agency has an efficient procedure in place for compiling and reviewing the data for accuracy prior to submitting it to OIP. If decentralized, Agency has an efficient process for reviewing and correcting component data prior to aggregating it into the report submitted to OIP.</p>			
<p>3.B Before submitting its complete report to OIP, Agency reviews its data in the FOIA.gov Annual Report Tool to ensure that components are listed correctly and consistently with past years and makes corrections needed to remove any validation errors.</p>			
<p>4.B Agency submits its report to OIP via FOIA.gov by the published deadline, working with OIP to answer questions and make any corrections.</p>			
<p>5.B Once cleared by OIP, Agency posts the final human-readable and XML versions of the report on its website by March 1, providing links to OIP and OGIS.</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
6.B Agency posts the raw data used to compile the report as a .csv file type within a reasonable amount of time.			
7.B Agency staff responsible for the Annual FOIA Report attend the Annual FOIA Report Refresher Training conducted by OIP.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbooks, standard operating procedures, training materials; staff surveys, interviews, or observations; agency Annual FOIA Reports and raw data; agency website and FOIA.gov.

Guidance and Best Practices for Annual FOIA Report Process

- Ensure that your Agency collects the required data points throughout the fiscal year to produce the Annual FOIA Report.
- Incorporate the guidance from the [Department of Justice’s Annual FOIA Report Handbook](#) into your request workflow and case management system.
- Institute a validation workflow to identify and correct errors before compiling the data into the full Annual FOIA Report.
 - The Raw Data Template created by OIP contains all of the raw data fields used in creating an agency Annual FOIA Report and is available for agencies to use as a resource in order to meet their obligation to post their raw data. The most accurate way for an agency to complete its Annual FOIA Report is by reviewing the raw data before aggregating the data into the final report. Agencies that receive a limited number of requests could consider using the raw data template to track FOIA requests in conjunction with a system of storing correspondence and documents in electronic files.
 - Agencies that extract their Annual Report Data from a case management system should institute validation checks to ensure data quality, minimize errors in the Annual FOIA Report, and resolve common human errors or system limitations on how the data should be tracked. Consider whether the FOIA case management system could automatically generate the Annual FOIA Report XML for

upload into the FOIA.gov Annual FOIA Report Tool and/or the raw data into a .csv template. This will ease the agency's burden in manually creating the Annual FOIA Report for submission to OIP and raw data for posting.

- If decentralized, designate officials at your Agency who are responsible for providing and compiling data for your Annual FOIA Report. One of these officials needs to have a FOIA.gov Agency Manager account in order to enter the data and submit the agency's report in FOIA.gov.
- Work with your Agency's IT/Web staff to ensure timely and successful posting of your Annual FOIA Report.
- If applicable, ensure that your process for collecting and submitting the Annual FOIA Report for review by OIP has built in time for any necessary internal reviews within your own Agency.
- Once cleared by OIP and posted, send a link to your Annual FOIA Report to OIP and OGIS.
- Institute an after-action review of the report workflow after each fiscal year to identify and remove any barriers to the efficient collection of data, including working with officials responsible for your Agency's case management system as needed.
- Confirm that all relevant stakeholders and officials within your Agency receive a copy of the Annual FOIA Report for their reference and use.
- Develop expertise in data-driven analysis, so that the FOIA Office can use reports and raw data to identify best practices and challenges in the agency's FOIA administration.

OIP Guidance

- Resources available on OIP's [Reports](#) page:
 - [Department of Justice's Annual FOIA Report Handbook](#)
 - [Agency FOIA Reporting Obligations At-A-Glance](#)
- [New Requirements for Agency Annual FOIA Reports](#) (Updated Oct. 29, 2019)
- [OIP Guidance for Further Improvement Based on 2017 Chief FOIA Officer Report Review and Assessment](#) (June 15, 2017)

C. Chief FOIA Officer Reports

Chief FOIA Officer Reports contain detailed descriptions an Agency's steps and actions taken to improve FOIA administration and compliance during the reporting period (March to March). When compared to the Quarterly and Annual FOIA Reports, the Chief FOIA Officer Reports provide the narrative and context behind the statistics and metrics of Agency FOIA operations. This section of the module will address how your Agency collects the information needed for the Chief FOIA Officer Report and how it compiles this information into the full report.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.C Agency reviews OIP's guidelines for each year's Chief FOIA Officer Report upon their issuance and develops plan for addressing the required content for the report.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
2.C Agency has an efficient process in place for collecting the information required for Chief FOIA Officer Reports and compiling this information into the final report.			
3.C If decentralized, Agency reaches out to components to obtain necessary information to complete the report.			
4.C Agency submits its report to OIP by the published deadline, working with OIP to answer questions and make any corrections.			
5.C Once cleared by OIP, Agency posts report on its website no later than Sunshine Week (the second Monday in March) and sends OIP the link.			
6.C Agency reviews OIP's summary and assessment methodology and scoring of the agency's CFO Report, noting any areas to improve.			
7.C Agency staff responsible for the CFO Report attend the CFO Report Refresher Training conducted by OIP.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbooks, standard operating procedures, training materials; staff surveys, interviews, or observations; agency Chief FOIA Officer Reports; OIP Summary and Assessment of Agency CFO Reports.

Guidance and Best Practices for Chief FOIA Officer Report Process

- Ensure that your Agency reviews the Guidelines for Chief FOIA Officer Reports issued by OIP as soon as they are issued each year, in order to plan for your agency’s report.
- If decentralized, designate officials at your Agency who are responsible for providing and compiling information to incorporate into your Chief FOIA Officer Report.
- Ensure that the process for collecting and submitting the Chief FOIA Officer Report for review to OIP has built in time for any required internal review of the report by your Agency.
- Institute an after-action review of the report workflow after each reporting period to identify and remove any barriers to the efficient collection of data.
- Work with your IT/Web staff to ensure timely and successful posting of your Chief FOIA Officer Report.
- Once posted, send a link of your Chief FOIA Officer Report to OIP.
- Confirm that all relevant stakeholders and officials within your Agency receive copies of the Chief FOIA Officer Report for their reference and use.
- OIP’s Summary and Assessment of Agency Chief FOIA Officer Reports provides a color-coded assessment of the information provided in the agency’s CFO Report. Agencies may use this assessment to identify areas where the agency has strong performance and areas for improvement.

OIP Guidance

- Chief FOIA Officer Report Guidelines are issued each year in late summer and are posted on OIP’s [Guidance](#) page and [Reports](#) page.

D. Data Analysis

This section of the module will address how your Agency uses the information collected for the raw data, Quarterly Report, Annual FOIA Report, Chief FOIA Officer Report, and OIP’s Summary and Assessment of the Agency’s CFO Report to inform its FOIA administration.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.D Agency maximizes the use of technology to automate data collection and analysis.			
2.D Agency has quality assurance mechanisms in place to ensure the			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
accuracy of all data being relied on in managing its FOIA program.			
3.D Agency has a methodology in place to regularly analyze raw data, Quarterly Report data, Annual FOIA Report data, Chief FOIA Officer Report data, and any other data that may be available through your case management system in order to help set goals and inform its FOIA administration.			
4.D Agency's FOIA Office develops expertise in data-driven analysis or leverages available expertise from inside an agency (such as a Chief Information Officer) or from across the government to effectively analyze its data to improve FOIA administration.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Possible Sources of Evidence: Agency/component policies, handbooks, standard operating procedures, training materials; staff surveys, interviews, or observations; agency Chief FOIA Officer Reports, Annual Reports, raw data, Quarterly Reports; reports available from agency tracking system.

Guidance and Best Practices for Data Analysis

- Regular review of FOIA data following and throughout the fiscal year helps agencies understand their specific challenges and needs by allowing them to identify system inefficiencies and FOIA trends, such as spikes in incoming requests or bottlenecks in the FOIA process. This information will in turn allow the agency more strategically achieve overall efficiencies. Such routine reviews will also help put agencies in a good position to ensure that their ten oldest requests, appeals, and consultations are on track to be closed by the end of the fiscal year.
- Specific data points that agencies should consider analyzing include:
 - Backlog data to identify trends from previous year and over time (Section XII.D.2. of the Annual FOIA Report)
 - For decentralized agencies, investigate whether backlog reduction strategies can be employed across components or if the backlog is isolated within a few high volume components.
 - Review data on average processing times for each track to identify whether there was a significant increase from previous year and to identify which types of requests are taking more than 20 working days (Section VII.A. of the Annual FOIA Report)
 - Use raw data to determine if increases in average processing times were caused by rare outlier requests or are a broader reflection of the requests in that track, which may inform the strategy for reducing processing times.
 - Compare simple and complex track processing times. Confirm that requests being placed in the proper track and the agency actively manages the track placement throughout the lifecycle of the request.
 - Break down response times by the twelve dispositions (Section V.B.1. of the Annual FOIA Report).
 - Identify dispositions that are taking longer to close than others and determine whether any adjustments can be made to the processing of those requests or technology that may facilitate faster closure.
 - Compare staffing levels over time to the numbers of requests processed and backlogged in order to determine the impact of any fluctuations in resources. (FOIA Personnel data can be found in section IX. of the Annual FOIA Report.) If staffing resources are an issue, refer to Toolkit Module 10 for additional Best Practices.
 - Examine Quarterly Report data trends over time:
 - Are there certain times of the year when the agency consistently receives or processes more requests? This information can be used to develop a strategy to address temporary surges in requests with a flexible staffing structure.
- Create charts and graphs as part of your agency's analysis of the data in order to visualize trends. These can then be incorporated into PowerPoints, reports, or presentations as evidence to justify requests for funding and/or staffing resources.
- Using the best FOIA tracking system for your agency can be very helpful for an agency's management of its FOIA responsibilities. Depending on the volume and nature of requests received, agencies should use the technology or system that best allows them to manage their FOIA processing needs and satisfy their reporting obligations. A tracking system can also improve efficiency by automating certain aspects of FOIA intake and helping the agency proactively track important metrics and deadlines.

OIP Guidance

- Department of Justice's Annual FOIA Report Handbook, available on OIP's [Reports](#) page.

Module 13: FOIA Website Development and Maintenance

Agency FOIA websites serve two important functions in the FOIA process: (1) FOIA websites provide valuable information to the public about the Agency, including the type of records maintained, FOIA contact information, instructions for making a FOIA request, and a copy of the Agency's FOIA regulations; and (2) FOIA websites contain proactively disclosed records. This module contains two subparts.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Essential Elements of FOIA Webpages and FOIA.gov

There are several resources that your Agency should make available to the public on its FOIA website and on FOIA.gov. Those essential elements are listed in this subpart.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
The Agency's FOIA Website and FOIA.gov contain the following elements:			
1.A General explanation of: <ul style="list-style-type: none"> the mission of the Agency; the types of records the Agency maintains; links to already available information (in FOIA Library and elsewhere on Agency's website); and, instructions for submitting a FOIA request. 			
2.A Up-to-date contact information, including the FOIA Public Liaison and FOIA Requester Service Center, which is reviewed for accuracy at least quarterly.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>3.A Agency's FOIA Reference Guide, which describes how to make a request, includes an index of the major information and record locator systems maintained by the agency, and briefly describes the FOIA's exemptions. If your agency handles criminal law enforcement records, you should also briefly describe the three statutory exclusions.</p>			
<p>4.A Agency's FOIA regulations.</p>			
<p>The Agency's FOIA Website contains the following additional elements:</p>			
<p>5.A Agency's FOIA Reports, including Annual FOIA Reports (XML and human readable versions, plus Raw Data), Chief FOIA Officer Reports, and Quarterly Reports.</p>			
<p>6.A Agency's homepage includes a clear link to the agency's FOIA page; component FOIA websites include a clear link back to the main FOIA page.</p>			
<p>The Agency regularly reviews its website with the following considerations in mind:</p>			
<p>7.A Agency is mindful of agency and government-wide styling conventions.</p>			
<p>8.A Agency's website is written in plain language so the public can easily understand the agency's operations and FOIA processes.</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
9.A Agency regularly, at least quarterly, reviews its website for accuracy and working links.			
10.A FOIA Office collaborates with web services or IT staff to leverage web analytics or other resources that could inform the organization or content of the agency’s website to best serve the public.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Suggested sources of evidence: Website contents, Agency homepage, FOIA.gov, Annual FOIA Reports, Quarterly FOIA Reports, Chief FOIA Officer Reports, raw data, Federal Register, public feedback

Guidance and Best Practices for Essential Elements of FOIA Websites

- Agency FOIA websites should be designed in a way to help users easily find information of interest that might obviate the need to make a request.
- The [Office of Management and Budget’s 2016 policy guidance](#) on federal agency websites requires agencies to include a link to their FOIA webpage on their “principal website and on any known sub-agency or other major entry points to their site.” The link to the FOIA page should be labeled as “Freedom of Information Act” or “FOIA.” While agencies may have other dedicated “Open Government” or “About” pages that may also include links to the FOIA site, the main homepage should link clearly and directly to the FOIA page.
- For any agency that maintains multiple FOIA websites, such as a FOIA website for each of its major components, it is important that the agency’s main FOIA landing page clearly identifies and links to those other subsidiary FOIA websites. Each of those subsidiary FOIA websites should, in turn, link back to the agency’s main FOIA landing page, so that no matter what page a member of the public first encounters, they can easily and readily access the full range of agency FOIA resources.
- Ensure that your Agency’s website contains all the essential elements listed in the milestones.

- Ensure that your Agency’s FOIA website describes the type of records your agency maintains, how to request access to them, and clearly outlines all of the methods available to a requester for submitting a FOIA request.
- Ensure that all contact information, including your Agency’s FOIA Requester Service Center and FOIA Public Liaison are listed on your website.
- Establish a system to review your Agency’s FOIA website at least quarterly to ensure that all relevant contact information is listed and accurate.
 - Designate an individual in your Agency who is responsible for making changes to your website and ensuring that all contact information is accurate.
- Ensure that your Agency’s FOIA Reference Guide includes:
 - If your agency handles criminal law enforcement records, a brief description of the FOIA’s three statutory exclusions to bring greater transparency to their existence, in accordance with OIP’s guidance on that topic;
 - Description of your Agency’s major information systems;
 - Explanation of the process and requirements for seeking expedited processing and FOIA’s fee provisions;
 - A general description of the FOIA process, including how the requester can obtain status updates and an estimated date of completion for their request;
 - If the agency utilizes multi-track processing, an explanation of the different tracks and the average processing times for each track can help the requester understand when to expect a response and the impact of the scope of a request on timing.
- In some cases it is also useful to include information on the FOIA Website and FOIA.gov about the types of records your agency does not maintain. If applicable, agencies can note whether other agencies might have similar or related records of interest on particular topics. This can be particularly useful if your agency or component commonly receives misdirected requests.
- Agencies are also encouraged to provide explanations as to why certain information is required or would be helpful to the agency in responding to a request.
- If requests can be made via a portal, a direct link to the agency’s request submission form should be provided.
- Agencies should regularly review their website with the below in mind:
 - Adopt consistent styling: Agencies may have internal style guides or may consider ways to incorporate government-wide formats. For example, the U.S. Digital Service created U.S. Web Design Standards and makes several web templates available online.
 - Use plain language: Ensure that websites are written in plain language so the public can easily understand the agency’s operations and FOIA processes. The Plain Writing Act of 2010, Pub. L. No. 111-274, 124 Stat. 2861 (codified at 5 U.S.C. § 301 note (2015)), requires federal agencies to write “clear Government communication that the public can understand and use.” More information about plain writing, including OMB Guidance, can be found on PlainLanguage.gov or your agency’s own Plain language webpage.
 - Regularly review for accuracy and updated links: Agencies should regularly update their websites to reflect the availability of new documents or changes in process or contact information. Additionally, agencies should also regularly check to make sure the links on their sites continue to be active. Agencies are encouraged to review their websites for accuracy at least once each quarter.
- Consider collaborating with your agency's web teams to review web analytics. Becoming aware of the pages that are most popular, for instance, can inform whether they should be more prominently displayed or if additional related information should be posted.

Regularly check to make sure the links on the FOIA website function properly.

OIP Guidance

- [Guidance for Agency FOIA Administration in Light of COVID-19 Impacts](#) (May 28, 2020)
- [Joint DOJ/OMB Guidance for Achieving Interoperability with the National Freedom of Information Act Portal on FOIA.gov](#) (February 12, 2019)
- [Agency FOIA Websites 2.0](#) (Nov. 30, 2017)
- [Proactive Disclosure of Non-Exempt Agency Information: Making Information Available Without the Need to File a FOIA Request](#) (Updated Jan. 11, 2017)
 - [Implementation Checklist for OIP Guidance on Proactive Disclosures of Non-Exempt Agency Information](#)
- [Using Metadata in FOIA Documents Posted Online to Lay the Foundation for Building a Government-Wide FOIA Library](#) (Mar. 12, 2013)

B. Updated FOIA Library

Agency FOIA Libraries provide a wealth of information to the public, including frequently requested records, as well as records that the Agency proactively determines might be of interest to the public. This subsection examines procedures for maintaining your Agency’s FOIA Library.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.B Agency has a FOIA Library that it updates regularly to contain all required proactive disclosures, including “frequently requested” records that have been, or the Agency anticipates will be, requested three or more times.			
2.B The FOIA Library is prominently featured on your Agency’s FOIA website and on FOIA.gov.			
3.B Records are posted in the most open, searchable, and usable formats feasible.			
4.B Postings are indexed and tagged with relevant metadata to improve searchability.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
5.B If the agency maintains multiple FOIA libraries, they should be cross-referenced and easily accessed from the main FOIA page.			
6.B The FOIA Library is designed to best serve the agency's community of users.			
7.B Records posted proactively are compliant with Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794d).			
8.B If applicable, Agency ensures that posted records have been properly redacted and underlying redaction metadata has been removed before posting.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Suggested sources of evidence: Website content, agency/component policies, handbooks, standard operating procedures, annual FOIA report data, Chief FOIA officer report data, quarterly report data, metrics available from agency's FOIA tracking system, record of types of requests to Public Liaison, training materials, agendas and notes from meetings with internal staff and external stakeholders, and staff surveys, questionnaires, interviews, or observations, newsletters, memoranda, and emails.

[Guidance and Best Practices for Ensuring an Updated FOIA Library](#)

- Ensure your FOIA Library contains the information required to be made available under subsection (a)(2) of the FOIA, including FOIA-processed records that have been or the Agency anticipates will be requested three or more times.

- Develop a system for ensuring that your Agency’s FOIA Library is regularly updated.
 - Actively review your FOIA Library to ensure that it is organized, documents are easy to locate, and any links to other webpages are still live.
 - Designate an individual within your Agency who is responsible for updating your FOIA Library.
 - Post records on popular topics that are likely to become the subject of subsequent requests in the future.
 - Contact program offices to help identify records appropriate for proactive posting in your FOIA Library.
- When posting material:
 - To the extent practicable the material is posted in a user-friendly, open, and readily searchable format.
 - Use metadata to improve the likelihood that the public will find the information when searching your website directly or through search engines. For example, include tags such as: “FOIA” or “frequently requested,” in addition to subject-based tags.
- Utilize metadata to properly index and tag proactive disclosures, thereby directing requesters to information of most interest.
- Provide training and guidance to Agency staff on properly indexing and tagging proactive disclosures.
- Complete a reoccurring audit or occasional spot checks to ensure ease of use and accessibility of posted records.
- Actively monitor website and download metrics of proactive disclosures to understand public interest.
 - Consider implementing Customer Experience technology to identify gaps between agency postings and public website interaction relating to subject matter areas of interest.

OIP Guidance

- [OIP Guidance: Agency FOIA Websites 2.0](#) (Nov. 30, 2017)
- [Using Metadata in FOIA Documents Posted Online to Lay the Foundation for Building a Government-Wide FOIA Library](#) (Mar. 12, 2013)
- [Proactive Disclosures of Non-Exempt Agency Information: Making Information Available Without the Need to File a FOIA Request](#) (Updated Jan. 11, 2017)
 - [Implementation Checklist for OIP Guidance on Proactive Disclosures of Non-Exempt Agency Information](#)

Module 14: Proactive Disclosures

This module examines whether your Agency has an efficient and effective proactive disclosure process. Optimizing methods for identifying and posting proactive disclosures can help agencies to achieve greater efficiencies in complying with FOIA proactive disclosure requirements and can reduce the need to respond to numerous requests for the same record(s). This module has two subsections.

SCORE	DESCRIPTION
4	The Agency has done this and has strong evidence of success.
3	The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	The Agency has a policy of doing this, but it does not regularly occur in practice.
1	The Agency is not yet doing this and/or there are major obstacles to progress.

A. Identifying Proactive Disclosures

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A Agency publishes current descriptions of its organization and the established places and methods for obtaining information, in the Federal Register.			
2.A Agency publishes current general statements regarding the agency's methods of operation, in the Federal Register.			
3.A Agency publishes current rules of procedure and descriptions of forms or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations, in the Federal Register.			
4.A Agency publishes current substantive agency rules and policies of general applicability in the Federal Register.			
5.A Agency Staff actively monitor changes or revisions to items covered in 1.A-4.A to ensure they are published in the Federal Register.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>6.A Agency Staff (FOIA and non-FOIA) have processes in place to quickly act on opportunities for proactive disclosure of records that are matters of popular public interest.</p>			
<p>7.A Agency Staff (FOIA and non-FOIA) are aware of the statutory requirement to proactively post certain records on Agency's website and have a process in place to do so.</p>			
<p>8.A Agency has a process for identifying and consistently posting final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.</p>			
<p>9.A Agency has a process for identifying and consistently posting statements of policy and interpretations not published in the Federal Register.</p>			
<p>10.A Agency has a process for identifying and consistently posting administrative staff manuals and instructions to staff that affect a member of the public.</p>			
<p>11.A. Agency FOIA Staff identify records <i>anticipated to be</i> requested three or more times by actively monitoring each request, their FOIA logs, or other functionality provided by their case management system, to determine whether, due to the nature of their subject matter, the records are likely to become the subject of subsequent requests.</p>			
<p>12.A Agency FOIA Staff identify records that <i>have been</i> requested and released three or more times by actively monitoring each final response and released records, reviewing their FOIA log, or leveraging other functionality provided through their case management system.</p>			
<p>13.A Agency Staff (FOIA and non-FOIA) consider proactive disclosures even when they are not required by law.</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
14.A Agency has established procedures in key offices where officials routinely identify proactive disclosures in advance, or as records are finalized, records are identified as good candidates for posting.			
15.A Agency has established a method by which FOIA Staff regularly confirm that program offices are making required proactive disclosures and inquire as to additional proactive disclosures that could be made.			
16.A Agency Staff (FOIA and non-FOIA) can freely make recommendations for continued improvement of the proactive disclosure process.			
17.A Agency FOIA Staff regularly communicate and work to build relationships with program offices to more efficiently identify proactive disclosures.			
18.A Agency FOIA Staff regularly communicate and work to build relationships with stakeholders outside of the agency to more efficiently identify proactive disclosures.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4 No further action required.
- 2-3 Review the guidance below to see if any additional steps can be taken.
- 1 Review the guidance below and develop new practices in this area.

Suggested sources of evidence: Federal Register and Code of Federal Regulations, agency/component policies, handbooks, standard operating procedures, training materials, agendas and notes from meetings with internal staff and external stakeholders, agency Annual FOIA Report Section XI.A and Chief FOIA Officer Reports, and staff surveys, questionnaires, interviews, or observations.

Guidance and Best Practices for Identifying Records Proactively

- Ensure that your agency routinely publishes required disclosures, including descriptions and locations of your agencies' central and field organizations, substantive and procedural rules, and statements of general policy in the Federal Register as required by 5 U.S.C. § 552 (a)(1).
- Ensure that your Agency actively seeks out opportunities to proactively disclose operational and frequently requested information in a public-facing electronic format in your FOIA Library as required by 5 U.S.C. § 552 (a)(2).
 - Operational records required to be proactively released include:
 - final agency opinions and orders rendered in the adjudication of cases,
 - specific policy statements that are not published in the Federal Register, and
 - administrative staff manuals and instructions to staff that affect a member of the public.
 - Frequently requested information includes:
 - FOIA-processed records on popular topics that are or are likely to be the subject of three or more FOIA requests
- Incorporate a system of checks to determine whether materials released in response to a FOIA request are required to be proactively disclosed as required by 5 U.S.C. § 552 (a)(2).
 - Assign responsibility for monitoring FOIA initial requests and final responses for trends in requested information, and promptly identify materials expected to be or that have been requested three or more times.
 - Designate staff as backup to ensure that review continues when the individual(s) with primary responsibility are not available.
 - Ensure that all designated individuals are properly trained to identify records for proactive disclosure.
- Agency Staff consider additional proactive disclosures going beyond those required by law.
- Encourage FOIA Staff to make any recommendations for continued improvement.
 - Provide regular or reoccurring opportunities for sharing feedback.
- Agency FOIA Staff regularly communicate with program offices and outside stakeholders to more efficiently identify records for proactive disclosure.

OIP Guidance

- [Guidance for Agency FOIA Regulations](#) (Updated June 26, 2019)
- [Template for Agency FOIA Regulations](#) (Updated Feb. 22, 2017)
- [Proactive Disclosures of Non-Exempt Agency Information: Making Information Available Without the Need to File a FOIA Request](#) (Updated Jan. 11, 2017)
 - [Implementation Checklist](#) for OIP Guidance on Proactive Disclosures of Non-Exempt Agency Information
- [Guidance for Further Improvement Based on 2014 Chief FOIA Officer Report Review and Assessment](#) (Aug. 26, 2014)
- [Attorney General's FOIA Guidelines](#) (March 15, 2022)

B. Posting Proactive Disclosures

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.B The FOIA Library is prominently featured on your Agency's FOIA website and individual component websites where applicable.</p>			
<p>2.B Agency's FOIA Library is adequately indexed for quick access and search.</p>			
<p>3.B Agency posts proactive disclosures as soon as feasible.</p>			
<p>4.B Agency collaborates with its Chief Data Officer and data experts to leverage opportunities to improve proactive disclosures and increase processing efficiency.</p>			
<p>5.B Proactively posted records are in native formats to the extent feasible.</p>			
<p>6.B Agency ensures that posted data sets are posted in machine-readable, and machine actionable formats.</p>			
<p>7.B If a native or machine-readable format is not feasible, all records are posted in the most open user-friendly formats to permit maximum use of the information posted.</p>			
<p>8.B Records posted proactively are compliant with Section 508 [of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794d)].</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>9.B If applicable, Agency ensures that posted records have been properly redacted and underlying redaction and personally identifying metadata has been removed before posting.</p>			
<p>10.B If applicable, Agency ensures that "FOIA" or other topical metadata tagging has been uniformly and systematically applied to posted records so that they are easy to locate.</p>			
<p>11.B Agency posts information in locations where the public is likely to look for it, including posting on program pages, topical pages, or centralized repositories such as www.data.gov.</p>			
<p>12.B Agency regularly communicates and works to build relationships with and secure support from agency IT offices to more efficiently post proactive disclosures.</p>			
<p>13.B Agency routinely monitors its proactive disclosure posting process to ensure continued efficiency and accessibility.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Suggested sources of evidence: Website content, agency/component policies, handbooks, standard operating procedures, training materials, agency Annual FOIA Report Section XI.A and Chief FOIA Officer Reports, and staff surveys, questionnaires, interviews, or observations

Guidance and Best Practices for Posting Records Proactively

- Ensure that staff responsible for preparing proactively disclosed records are aware of and have received training on automation tools, common accessibility-related technology, and indexing and tagging requirements.
- Institute clear procedures for properly redacting any proactively disclosed materials.
 - Mark all redactions.
 - Ensure the exemption is noted on the document that is posted online.
 - Ensure that appropriate metadata has been removed or applied.
- Utilize metadata to properly index and tag proactive disclosures to ensure that requesters can easily locate information through search engines.
- Although the FOIA itself does not mandate timeframes for posting records proactively, the Attorney General’s 2022 FOIA Guidelines directs agencies to “post records online as soon as feasible” and to “continue to maximize their efforts to post . . . quickly and systematically in advance of any public request.” Agencies may also consider establishing regular schedules for posting information to the extent that doing so is more efficient than posting on an ad hoc basis.
- Develop standardized metrics to monitor the effectiveness of your Agency's established proactive disclosure process.
 - Complete a reoccurring audit or occasional spot checks to ensure ease of use and accessibility of posted records.
 - Actively monitor proactive records online and review website metrics to gauge its helpfulness.
 - Consider implementing Customer Experience technology to identify gaps between agency postings and public website interaction relating to subject matter areas of interest.
- In addition to providing access through FOIA Libraries, agencies should consider posting FOIA-released records on appropriate program websites and/or in one or more central digital repositories, such as www.data.gov or the agency's online request portal.
- Ensure links to agency's FOIA Library, FOIA Reference Guide, and any other links, are up to date on FOIA.gov.
- Incorporate methods of tracking whether information could be proactively disclosed when building and managing agency recordkeeping systems.
- Encourage FOIA Staff to make any recommendations for continued improvement.
 - Provide regular or reoccurring opportunities for sharing feedback.
 - Consider incentivizing participation/involvement.

OIP Guidance

- [OIP Guidance: Agency FOIA Websites 2.0](#) (Nov. 30, 2017)
- [Using Metadata in FOIA Documents Posted Online to Lay the Foundation for Building a Government-Wide FOIA Library](#) (Mar. 12, 2013)
- [Attorney General's FOIA Guidelines](#) (March 15, 2022)
- [OIP Guidance for Further Improvement Based on 2022 Chief FOIA Officer Report Review and Assessment](#) (August 25, 2022)

Module 15: Administrative Appeals

This module examines whether your Agency has an efficient and effective administrative appeals process. The FOIA provides requesters with a statutory right to administratively appeal an “adverse determination” in response to a FOIA request. The administrative appeal process benefits both agencies and requesters. The process allows an Agency to reevaluate its initial response to a request and identify any potential legal errors, and it increases requesters’ confidence in the FOIA process by providing a second, independent review.

SCORE	DESCRIPTION
4	Agency has done this and has strong evidence of success.
3	Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement.
2	Agency has a policy of doing this, but it does not regularly occur in practice.
1	Agency is not yet doing this and/or there are major obstacles to progress.

A. Regulations and Procedures for Submitting Administrative Appeals

This section of the module examines the adequacy of your Agency’s submission process for administrative appeals. It is important to provide requesters with clear and accurate instructions on how to file an administrative appeal, as well as multiple methods to submit administrative appeals.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.A Your Agency's regulations outline a formalized process for how and where to submit an administrative appeal.			
2.A Your Agency regulations on how and where to submit an administrative appeal are accurate.			
3.A Notice of appeal rights language in Agency FOIA initial response letters appears in interim and final Agency FOIA initial responses, is accurate, and provides a minimum of 90 days from the date of the response to appeal.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
4.A Procedures for filing administrative appeals, including how and where to file an appeal, are also located on your Agency's FOIA website(s) (including components' sites) and are accurate.			
5.A Multiple methods for submitting administrative appeals are available to requesters and include both electronic and hard-copy submission options.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Suggested Sources of Evidence: Agency regulations, website content, agency/component policies, handbooks, standard operating procedures, training materials, and FOIA response templates and language

[Guidance and Best Practices for FOIA Regulations and Procedures for Submitting Administrative Appeals](#)

- Ensure that requesters understand how and where to make their appeal and what to expect from the appeal process.
 - Ensure that the appeal notice language used in FOIA responses is accurate, clear, and informs requesters about all appeal submission methods available to them.
 - Ensure that Agency FOIA website(s) provides accurate and clear information about where and how submit administrative appeals.
 - Appeal submission instructions should inform the requester how long they have to submit an administrative appeal, which must be no less than the statutorily required 90 days.
- Refer to [OIP's Template for Agency FOIA Regulations](#) for sample language if needed.
- Regularly review FOIA regulations and update regulations if required. OIP is available to review agency FOIA regulations upon request.
- Ensure that your Agency allows for the electronic submission of FOIA appeals through email and/or an online submission portal.

B. Administrative Appeal Intake and Acknowledgement

This section of the module examines your Agency's intake and acknowledgement procedures for incoming appeals. Regardless of the size of your Agency's administrative appeal operations, efficient appeal intake and review is a critical first-step in the appellate review process.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.B Designated, trained personnel, including backups, monitor all forms of appeal intake and can identify duplicative appeals and appeals seeking or concerning expedited processing.</p>			
<p>2.B Appeal Staff enter appeals into the Agency's tracking system promptly upon receipt to facilitate efficient assignment for adjudication.</p>			
<p>3.B Agency promptly sends acknowledgment letter to requester after receipt of FOIA appeal, which identifies the subject of the appeal, the appeal tracking number, and Agency contact for status inquires.</p>			
<p>4.B Agency routinely monitors its appeal intake and acknowledgement process to ensure continued efficiency.</p>			
<p>5.B Appeal Staff can freely make recommendations for continued improvements of the initial mail intake and acknowledgement process.</p>			
<p>6.B Existing appeal intake and acknowledgement process can be</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
temporarily modified to address unforeseen circumstances (i.e., sudden influx of appeals or max telework situations).			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Suggested Sources of Evidence: Agency regulations, agency/component policies, handbooks, standard operating procedures, and training materials

[Guidance and Best Practices for Administrative Appeal Intake and Acknowledgement](#)

- Assign responsibility for monitoring each of the different appeal-submission methods (e.g., regular mail, portal, email inboxes, and fax, if applicable) and promptly enter appeals into the tracking system to facilitate efficient assignment. Designate at least one staff member as a backup mail intake reviewer to ensure that mail intake and review continues when the individuals with primary responsibility are not available.
- Ensure that all designated individuals are properly trained to review and triage appeal correspondence.
 - Institute clear procedures for identifying and responding to requests for expedited processing of an appeal within ten calendar days of receipt.
 - Incorporate a system of checks to determine whether new appeals are duplicates of previously submitted appeals.
- Ensure that procedures are in place that allow for acknowledgement letters to be sent promptly. Appeal acknowledgement letters should adequately reference the underlying action that the subject of the appeal, provide an appeal number for reference, and provide a point of contact for status and estimated date of completion inquiries.
- Develop standardized metrics to monitor the efficiency of your Agency's established appeal intake and acknowledgement processes.
 - Actively monitor metrics for appeal intake and acknowledgement and, if necessary, implement changes to current processes to decrease average appeal intake and acknowledgement times.
 - Institute clear procedures for temporarily modifying your Agency's initial appeal intake and acknowledgment process to adequately address unforeseen circumstances, such as loss of personnel, or a sudden increase in number of appeals received.
 - After such a temporary modification of your Agency's appeal intake and acknowledgement process, examine the effectiveness of the temporary process modification.
 - Encourage Appeal Staff to make any recommendations for continued improvement.

C. Expedited Processing Procedures

This section of the module examines the procedures your Agency uses for adjudicating appeals where expedited processing has been requested and/or the appeal concerns an adverse determination concerning expedition.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.C Appeal Staff are trained to examine appeals to identify whether they seek expedition, or appeal adverse determinations concerning expedition, and staff consistently identify such appeals as soon as possible upon receipt.</p>			
<p>2.C Appeal Staff are trained to apply the statutory and any Agency-specific standards included in Agency regulations for granting expedited processing as well as reviewing adverse determinations concerning expedition on appeal.</p>			
<p>3.C Responses to requests for expedition are subject to review by a senior professional or at least one level of review.</p>			
<p>4.C Responses to requests for expedition of appeals are provided within ten calendar days.</p>			
<p>5.C Agency ensures administrative record as to the decision on whether to grant or deny expedition is adequate, containing all relevant information to the agency's determination.</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
6.C Agency tracks how many days it takes from the date appeal is received to issue its response to requests for expedition.			
7.C Agency provides notice to requesters of their right to judicial review and notice of mediation services provided by the OGIS with all denials of requests for expedited processing.			
8.C Agency has a system in place for the handling of the expedited processing of appeals.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Suggested Sources of Evidence: Agency regulations, agency/component policies, handbooks, standard operating procedures, training materials, data from tracking systems and reports, and FOIA response templates and language

Guidance and Best Practices for Expedited Processing Procedures

- Develop procedures for Appeal Staff to promptly review incoming appeal submissions to identify whether expedited processing of the appeal is sought, and if it is, to adjudicate such requests within ten calendar days.
 - If necessary, review and modify the appeal intake and acknowledgement process to ensure requests for expedition are adjudicated in 10 calendar days or less.
- Ensure that all Appeal Staff are trained on the statutory and Agency-specific expedition standards and the factors to consider when adjudicating requests for expedited processing.
- Train Appeal Staff on the importance of properly developing the administrative record when making and conveying decisions about expedited processing, as a court's review of the agency's determination on expedition will be limited to the administrative record.
- Require review by a senior professional or at least one level of review for any responses concerning requests for expedited processing to ensure that the response letter and administrative record are legally and factually sufficient.
- Develop a standardized structure for responses to requests for expedited processing to ensure that all required elements are addressed.
 - Ensure that all denials of requests for expedited processing of an administrative appeal include notice of right to judicial review and notice of the availability of dispute resolution services provided by the Office of Government Information Services.

D. Administrative Appeal Workflow

This module examines your Agency's appeal workflow. Assigning appeals, using multiple processing tracks, and actively monitoring cases help agencies ensure overall efficiency and compliance with statutory requirements.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
1.D Agency has a dedicated system or method for tracking FOIA appeals that is regularly updated to accurately reflect the current status of appeals and ensure accurate statutory reporting.			
2.D Agency promptly assigns new FOIA appeals to personnel for processing.			
3.D Appeal Staff promptly obtain the administrative record for the request under review and receive it in an electronic format, if available.			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>4.D Appeal Staff use multitrack processing as appropriate and update the track designation throughout the course of the appeal if necessary.</p>			
<p>5.D Appeal Staff actively review the adequacy and completeness of the underlying administrative record, especially for adverse determinations made concerning fee waiver and expedited processing.</p>			
<p>6.D Agency's administrative appeals process provides for an independent, <i>de novo</i> review.</p>			
<p>7.D Agency actively monitors individual and office-wide workloads, using all available tools of the case tracking system or other methods, to identify and address causes of delay.</p>			
<p>8.D The oldest pending appeals are prioritized and actively managed to completion.</p>			
<p>9.D Appeals are generally processed on a first-in, first-out basis within each processing track.</p>			
<p>DATE COMPLETED:</p>			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Suggested Sources of Evidence: Agency regulations, agency/component policies, handbooks, standard operating procedures, training materials, tracking system data, and FOIA response templates and language

Guidance and Best Practices for Assignment and Processing Workflow

- Promptly assign incoming appeals:
 - Regularly assess the workload of Appeal Staff, including non-appeal duties.
 - Develop an assignment process that allows your Agency to assign appeals based on assessed workloads, allows for flexibility in reassigning appeals, groups similar appeals together for more efficient processing, and accounts for anticipated complexity of the appeals.
- To the greatest extent possible, ensure that there are processes in place for Appeal Staff to request and receive the administrative record electronically to facilitate efficiency in processing.
- If the appeals your Agency receives range in complexity or time involved, adopt multiple processing tracks (in addition to the “expedited” track for appeals granted expedited processing).
 - Ensure your Agency’s processing workflow allows Appeal Staff to continuously evaluate and update as necessary the assigned processing track throughout the life of the appeal.
 - Actively monitor the average processing times for all appeals, with a particular focus on simple track appeals, to identify ways to decrease the average processing time.
- Ensure that appeal supervisors are actively monitoring overall, as well as individual, progress in responding to appeals promptly.
 - Routinely monitor processing metrics for each employee.
 - Ensure appeal supervisors provide assistance to Appeal Staff in developing strategies for closing older appeals.
 - Implement a mechanism for alerting appeal supervisors of appeals that have been pending after designated periods of time, or longer than expected.
 - Develop an overall appeal processing plan and ensure Appeal Staff are aware of that plan and are provided periodic updates on your Agency’s progress toward meeting it.
 - Employ effective management techniques to organize appeals dockets, such as targeting the Agency’s ten oldest appeals each fiscal year.
- Ensure Appeal Staff are trained to provide an independent "de novo" review of FOIA appeals. For example, when Appeal Staff are evaluating the sufficiency of the Agency’s search, they should have a good understanding of the Agency’s records systems and they should examine the search terms that were used and the records systems queried to assess whether the Agency conducted a reasonable search for the requested records.

E. Administrative Appeal Responses and Communication with Requesters and the Initial Denial Authority

Using standard response language in FOIA appeal determinations helps agencies ensure that appeal responses are consistent and legally accurate, while also tailoring responses as needed to increase the requester’s understanding of the handling of their appeal. Maintaining effective communication with the requester and initial denial authority is critical to ensuring efficient review on appeal.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.E Agency uses standard language that covers acknowledgment, expedited processing, fees, and final appeal decisions, including an explanation of exemptions upheld or applied.</p>			
<p>2.E Agency has a process for regularly reviewing and updating standard response language for accuracy and clarity.</p>			
<p>3.E Appeal Staff use the most recent standard language while also customizing letters whenever feasible to provide clear explanation of the appeal determination and address all issues raised by the requester on appeal.</p>			
<p>4.E If the Agency maintains law enforcement records and the use of an exclusion is alleged on appeal, the response includes standard language about the FOIA's exclusions.</p>			
<p>5.E Appeal determinations should reference the underlying request number, subject of the request, and the issues raised on appeal.</p>			
<p>6.E Appeal determinations affirming the adverse determination, whether in full or in part, must contain proper notice to the requester of their statutory right to seek judicial review.</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>7.E Written responses clearly provide notice of dispute resolution services offered by the Office of Government Information Services (OGIS).</p>			
<p>8.E Agency proactively communicates with requesters about their appeals, such as by clarifying or narrowing the appeal, to facilitate effective adjudication.</p>			
<p>9.E Agency provides status updates and estimated dates of completion to requesters upon request.</p>			
<p>10.E If the initial action is reversed or remanded, written responses clearly explain the next steps in the process and a point of contact for the appeal on remand.</p>			
<p>11.E Appeal determinations identify the Agency official who made the determination.</p>			
<p>12.E Agency communicates its written determination with requester electronically by default, or by using the requester’s preferred form of communication, whenever practicable.</p>			
<p>13.E Appeal Staff provide remand memos to the initial denial authority that clearly explain the specific issues discovered on appeal and provide detailed instructions on how to correct those issues.</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
14.E Appeal Staff freely communicates with the FOIA Staff who initially processed the request and do not have difficulty obtaining background or additional information about the processing of the request.			
15.E Appeal Staff actively work with FOIA Staff to discuss and correct issues discovered on appeal, including addressing recurring issues.			
16.E Agency regularly reviews its processes for communicating with the initial denial authority and providing appeal determinations to requesters, including considering how technology could be implemented, to improve efficiency.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Suggested Sources of Evidence: Agency regulations, agency/component policies, handbooks, standard operating procedures, training materials, FOIA appeal responses, and response templates and language

[Guidance and Best Practices for Administrative Appeal Responses and Communication with Initial Denial Authority](#)

- If not used already, develop standardized response language for Appeal Staff to use in responding to appeals.
 - Ensure that the language database uses plain language that requesters can easily understand.

- Ensure that the language accurately and clearly explains administrative appeal decisions.
- Designate a member of your Appeal Staff to be primarily responsible for maintaining your Agency's language database.
- Encourage Appeal Staff to make recommendations for updating the standard language.
- Confirm that your Agency's language database includes current citations to the FOIA, Privacy Act, other statutes (if applicable), your Agency FOIA regulations, and case law.
- Promptly update the language database to reflect new developments in case law, amendments to the FOIA statute, new guidance, and changes to your Agency's FOIA regulations.
- Confirm that all Appeal Staff have access to and are using the most recent version of your Agency's language database.
- If your Agency maintains law enforcement records, and the use of an exclusion is alleged on appeal, Agency includes standard language about the FOIA's exclusions in the response.
- To better increase the requester's understanding of the handling of their appeal, ensure that Appeal Staff identify issues or topics that could be better explained to the requester through customized language tailored to the particular request.
- Appeal determinations should clearly explain the outcome of the administrative appeal and address all relevant issues raised in the administrative appeal.
- Communicate with requesters using their preferred form of communication, whenever practicable.
- Appeal Staff maintain open communication with requesters.
 - Agency proactively reaches out to requesters to clarify or narrow the scope of appeals when doing so would aid in effective adjudication of the appeal.
 - Agency provides status updates and estimated dates of completion, upon request.
- Ensure that all appeal determinations and, if applicable, remand memos are promptly transmitted to and received by the initial denial authority, electronically if possible to prevent delays.
- Ensure that remand memos issued to the initial denial authority includes the original request number, the subject of the request, and specific guidance/instructions for correcting any errors and/or fixing the administrative record.
 - Remand memos should include the name and contact information for the Appeal Staffer issuing the remand in case there are questions.
 - Remand memos should include the name of the FOIA professional the Appeal Staff consulted with on the remand.
- Supplemental releases should be closely coordinated with initial denial authority.
- Appeal Staffers should freely engage with the FOIA professionals who initially handle requests by asking questions and seeking clarification on any aspect of request processing.
 - Conversations with agency personnel should be memorialized in the case file.

F. Administrative Appeal Review Chain

This module examines your Agency's administrative appeals review process.

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
<p>1.F Agency has a well-defined structure for reviewing FOIA appeal recommendations, responses, and remand memos.</p>			
<p>2.F Reviewers can reassign work or shift review responsibilities, where appropriate, to account for changes in workload.</p>			
<p>3.F Reviewers regularly check in with Appeal Staff about the status of ongoing complex appeals.</p>			
<p>4.F Reviewers are easily accessible to FOIA staff to answer questions about appeal processing and responses.</p>			
<p>5.F Appeal Staff are provided training and FOIA resources, including on reviewing classified material if applicable.</p>			
<p>6.F When reviewing an appeal determination, reviewers examine the entire administrative record to ensure it is complete.</p>			
<p>7.F Reviewers ensure that responses are clear, complete, and include tailored language whenever helpful.</p>			
<p>8.F Reviewers ensure that all correspondence with the requester is maintained in the case file.</p>			

MILESTONE	SCORE	EVIDENCE FOR THIS SCORE	AREAS FOR IMPROVEMENT/NEXT STEPS
9.F Reviewers provide constructive feedback to Appeal Staff concerning issue spotting, legal analysis, appeal recommendations, and response language.			
DATE COMPLETED:			

FOR EACH MILESTONE, IF SCORE IS:

- 4** No further action required.
- 2-3** Review the guidance below to see if any additional steps can be taken.
- 1** Review the guidance below and develop new practices in this area.

Suggested Sources of Evidence: Agency regulations, agency/component policies, handbooks, standard operating procedures, training materials, meeting notes, FOIA appeal responses, and response templates and language

[Guidance and Best Practices for Administrative Appeal Review Chain](#)

- Ensure that your Agency has a clearly defined process for reviewing appeals:
 - For efficiency, the review structure may include multiple levels of review based on complexity of the appeal.
 - The review structure should prioritize review of expedited appeals.
 - Provide reviewers with review goals for a pre-set time frame and incorporate metrics to measure review productivity.
 - Ensure the scope of review is well-defined.
- Confirm that all Appeal Staff understand their individual role as well as the roles of others in your Agency’s review structure. Designate someone within your Agency to monitor and manage the appeal review workflow. This person should be primarily responsible for ensuring adequate distribution of review work for maximum review efficiency.
 - Ensure that your appeal review process retains some flexibility so that pending appeals can be reassigned to other reviewers based on workloads.
- Ensure that Appeal Staff have easy access to FOIA reviewers for questions and to discuss the processing of complex appeals.
- Review the entire administrative record for completeness, including, but not limited to:
 - the request, appeal, any attachments, and all correspondence with the requester;
 - correspondence or documentation of communications with initial denial authority;
 - search documentation;
 - the response letter and,
 - if necessary, copies of any records at issue.

OIP Guidance

- [Guidance for Agency FOIA Administration in Light of COVID-19 Impacts](#) (May 28, 2020)
- [OIP Guidance: Adjudicating Administrative Appeals under the FOIA](#) (Feb. 14, 2019)
- [Guidance for Agency FOIA Regulations](#) (June 26, 2019)
 - [Template for Agency FOIA Regulations](#)
- [Guidance on the New Requirements for FOIA Response Letters, Including Affording Ninety Days to File an Administrative Appeal, and New Notification Requirements for Notices Extending FOIA's Time Limits Due to Unusual Circumstances](#) (July 18, 2016)
 - [Implementation Checklist and Sample Language for OIP Guidance on New Requirements for FOIA Response Letters](#)
- [Ensuring Timely Determinations on Requests for Expedited Processing](#) (Updated Jan. 21, 2015)