

Department of Energy
2018 Chief FOIA Officer Report

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Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the DOJ's **FOIA Guidelines** is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

A. FOIA Training

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

Yes, FOIA professionals and other personnel who have FOIA responsibilities attended FOIA training during this reporting period.

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

External training for DOE FOIA professionals included the DOJ's FOIA for Attorneys and Access Professionals and Introduction to the FOIA, and training conducted by the American Society of Access Professionals. Internally, the Office of Hearings and Appeals (OHA), in tandem with the FOIA Office and the Office of the General Counsel (GC), continued to conduct periodic training via teleconference for the field and Headquarters (HQ) offices. Examples of the above training include:

- *workshops on individual FOIA exemptions;*
- *overview of the FOIA;*
- *fees and fee waivers*
- *responding to requests and safeguarding information;*
- *basic principles for processing FOIA requests from start to finish;*

- *the interface between the FOIA and Privacy Act; and*
- *searching for records and other related matters.*

3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Approximately 80% of FOIA professionals attended some form of substantive FOIA training during this period.

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

Although 80% of FOIA professionals attended some form of substantive FOIA training, the DOE plans to continue to conduct cost effective training via conference calls and to attend the free training provided by the DOJ.

B. Outreach

5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

The DOE continues to encourage open communication with the requestor community. FOIA professionals regularly reach out to requesters to discuss a broad spectrum of topics and issues concerning FOIA requests. Generally, communication consists of providing insight into the FOIA process, narrowing the scope of requests to reduce processing fees and time, the prioritizing of documents requested, and other issues that facilitate efficient processing. Additionally, the Department worked with the Office of Government Information Services (OGIS) to facilitate dialogue with various requesters.

In addition, the Carlsbad Field Office (CBFO) conducted periodic town hall meetings with members of the public, including webcasts of the meetings. These forums provided an opportunity for questions from the public including media and stakeholders regarding FOIA and other aspects of the site. The CBFO also developed and maintains a webpage devoted to providing current information regarding the February 2014 events at the Waste Isolation Pilot Plant (WIPP) and the recovery from the events. Significant documents are posted to the site proactively, outside of FOIA.

C. Other Initiatives

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

The Department continues to make every effort to inform non-FOIA professionals on their obligations under the FOIA. From displaying posters regarding FOIA responsibilities, to discussions at senior staff meetings, the DOE ensures everyone is aware of the responsibilities and changes to the Act. The HQ FOIA Officer and staff continue to address questions by the records holders, which vary from case to case, and advises them of their responsibilities and the importance of adequate and timely searches. Additionally, the HQ FOIA Officer and staff conducted several FOIA training sessions with various HQ program offices, including senior leadership staff. The sessions covered FOIA overview, efficient and timely searches and other specific training based on the offices' needs.

In addition to efforts at HQ, DOE sites work to inform the obligations under the FOIA. A few examples include:

- The Golden Field Office (GFO) conducted 16 live separate classes entitled, “Best Practices – Ensuring Adequacy of a FOIA Search” to over 250 Golden personnel.*
- At the Bonneville Power Administration (BPA) the FOIA Officer participates in the New Employee Orientation every two weeks to provide a basic understanding of the FOIA process and employees' obligations regarding the FOIA. In addition, the FOIA Officer and attorneys from the GC provide briefings on an as-needed basis to senior executives, managers, and subject matter experts on specific FOIA requests to provide a better understanding of the FOIA process and their obligations.*
- The Strategic Petroleum Reserve (SPR) FOIA Officer conducted training on a case by case basis. As requests are received and assigned to employees to process, an overview of the FOIA is provided as well as information about responsibilities to conduct reasonable searches and other processes to follow.*
- The Richland Office continued to make their internal FOIA procedure available to all employees.*
- The Western Area Power Administration sends emails and communicates with staff about FOIA responsibilities during meetings.*

- *The National Nuclear Security Administration (NNSA) educated non-FOIA professional's on requirements and their role in the FOIA process through email, conference calls, training and meetings.*
- *The Chicago FOIA Officer conducted one on one sessions with specific FOIA contacts to remind them of FOIA processing requirements and their respective duties. The FOIA Officer also maintains the FOIA procedures section of the Office of Science centralized procedures database, where employees can view their FOIA related responsibilities.*

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

At the DOE, FOIA professionals continue to communicate with record holders and SMEs regarding sensitivities contained in responsive documents and the possibilities of discretionary releases. Legal counsel continues to review, and must concur on, all withholdings. If a record holder has identified information that should be protected from release by an exemption, the FOIA Office and GC review the documents to determine if the threshold of the identified exemption is met and whether there is a justifiable harm if released. If the Department cannot identify a justifiable harm in release, the record holders are advised that release is warranted.

The Department also continues to include language in our response letters that reference the Department of Justice FOIA Guidelines, our commitment to openness and providing as much information when full disclosure is not possible, and the OGIS assistance available to requestors concerning requests and their concerns with agencies.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

The DOJ's 2009 FOIA Guidelines emphasized, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

1. For Fiscal Year 2017, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2017 Annual FOIA Report.

The Department's average number of days to adjudicate requests for expedited processing was 7.47 days.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

During the reporting period, the DOE continued to look for ways to improve the FOIA process. For example, the FOIA Office continued to analyze how records are searched, determining the words and phrases that identify and collect the most accurate responsive pool of records. This review of the records search process led to efficiency in the process and improved the timeliness of responses. Emphasis was also placed on providing responses to requests for expedited processing to ensure we were timely in meeting the 10 calendar day requirement.

The GFO reviewed and updated its Standard Operating Procedures (SOP) document, and also conducted a FOIA self-assessment using the DOJ Self-Assessment Toolkit. The NNSA assessed their process through a FOIA process flow chart, conducted weekly meetings to discuss better methods, and developed new flow charts and checklists for FOIA guidelines and quality assurance. Richland conducts self-assessments on a quarterly basis by evaluating quarterly reporting data.

The Southeastern Power Administration (SEPA) conducted a self-assessment of its FOIA program as part of the agency's 2017 Annual Internal Controls/Summary Management Review evaluation process. SEPA used the DOE Entity Assessment Tool (EAT) and the DOE Chief Financial Officer's Business Process Catalog, and developed a SEPA specific FOIA Operational Process Model. This model includes: (1) a detailed description of the operational process, (2) a flowchart outlining the FOIA process steps from start to end, (3) an Operational Process Narrative for each of the process steps identified, and (4) narrative details on the identified risks and associated controls.

The Office of Scientific and Technical Information (OSTI) conducted an internal review of their FOIA program and determined that their processes and SOPs ensure the timely delivery of responsive documents to the FOIA requester within the 20-day requirement. The primary areas that impede OSTI's delay of responsive documents are requests for documents which are classified and unclassified sensitive and require external consultation/coordination with HQ, impacting the delivery of responsive documents.

4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison during FY 2017 (please provide a total number or an estimate of the number).

The FOIA Public Liaisons have been contacted approximately 29 times this past year.

5. Optional survey question: If possible, please provide an estimate of the average number of pages that your agency processes for each request. You may provide estimates for each track.

N/A

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

Meetings were held between the Chief FOIA Officer, FOIA Officer, staff, and the Office of the General Counsel to discuss FOIA matters. Additionally, the FOIA Office meet on a monthly basis with the Office of the General Counsel to resolve pending issues and address improving the efficiency of the process.

The BPA implemented a new system to assist in search, collection, subject matter expert certification and review of requests.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

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

The following items are examples of material proactively disclosed by the DOE during the past reporting year:

- *The GFO continued to update the FOIA Public Reading room by requesting and receiving documents regarding the National Renewable Energy Laboratory for pro-active release: <https://energy.gov/eere/downloads/request-proposals-rfp-number-de-rp36-07go97036-alliance-prime-contract-no-de-ac-36>. GFO also added a new pro-active disclosure category entitled “Privacy Impact Assessments” to the Golden Public webpage. Information can be found at: https://energy.gov/sites/prod/files/2017/09/f36/2017_PIA_GFO_lightweight_Credentialed_Station.pdf; https://energy.gov/sites/prod/files/2017/09/f36/2017_PIA_GFO_Personnel_Security_files.pdf; https://energy.gov/sites/prod/files/2017/09/f36/2017_PIA_NREL_Access_Control_FNM_Program.pdf; and https://energy.gov/sites/prod/files/2017/09/f36/2017_PIA_NREL_Emergency_Notification_System.pdf*
- *The Waste Isolation Pilot Plant (WIPP) continues to maintain a home page available to the public (<http://www.wipp.energy.gov>) where information on the FOIA, Privacy Act, as well as other information and documents, can be accessed. Other specific outreach efforts include the following:*
 - *The CBFO/WIPP developed and utilized a webpage devoted to providing current information regarding the February 2014 events at WIPP and the recovery from the events. Significant documents are posted to the site proactively, outside of the FOIA. <http://www.wipp.energy.gov/wipprecovery/recovery.html>*
 - *The CBFO continues to maintain and update a public webpage that provides access to Resource Conservation and Recovery Act (RCRA) permit-related documents after they are filed. http://www.wipp.energy.gov/library/Information_Repository.htm*
 - *Furthermore, the CBFO maintains a public webpage providing the public with background information specific to the Hazardous Waste Facility*

Permit, updated information related to permit actions, and opportunities to participate in the permit process as a general member of the public.

<http://www.wipp.energy.gov/WIPPCommunityRelations/index.html>

- *The Richland Office created a webpage to provide information on the PUREX Tunnels Project and proactively disclosed information on the project. The PUREX Tunnels actions were taken in response to the partial collapse of a tunnel with rail cars storing radioactive materials, primarily failed equipment that has been used in the nearby PUREX plant on May 9th. The webpage is located on the DOE's Hanford website at:*

<http://www.hanford.gov/page.cfm/PUREXTunnelsinformation>

- *At the Western Area Power Administration (WAPA), the following documents are available to the public:*

Operational data and financial information:

- *<https://www.wapa.gov/About/the-source/Pages/the-source.aspx>*

At the SEPA the following documents are available to the public:

Team Cumberland Meetings

- *<https://energy.gov/sepa/about-us/team-cumberland>*

Wholesale Power Rate Schedules (View All)

- *<https://energy.gov/sepa/services/rate-schedules>*

Wholesale Power Rate Schedules – GA-AL-SC System

- *<https://energy.gov/sepa/listings/ga-al-sc>*

2016 Financial Data

- *<https://energy.gov/sepa/power-operations/quick-facts>*

SEPA Systems Map (Revised 2017)

- *<https://energy.gov/sepa/maps/southeastern-power-administration>*

OSTI's mission is in the oversight management of the Department's STI collection. The legacy collection can be found at www.osti.gov. This Web site enables the general public, other government agencies, DOE, and other entities to have a one-stop service for our gray literature, journal articles, conference proceedings, technical reports, multimedia, books, etc.

Examples of publicly available full-text scientific and technical reports for downloading from OSTI's SciTech Connect Web site are as follows:

- *<http://www.osti.gov/scitech/biblio/5630882-screening-identification-sites-proposed-monitored-retrievable-storage-facility>*
- *<http://www.osti.gov/scitech/biblio/4074500-status-small-pipe-tube-disconnects-msre-auxiliary-lines-interim-report>*
- *<http://www.osti.gov/scitech/biblio/4010217-operation-egcr-purification-system-prototype>*

At Chicago, the updated ISC government purchase cardholder list can be viewed at <https://science.energy.gov/isc/foia/electronic-reading-room/>.

Additionally, links lead the public to the updated and most current versions of the following documents:

- *SC Categorical Exclusion Determinations*
- *SC Acquisition and Assistance Major Contract awards and revisions*
- *SC Management and Operating Contracts as modified*
- *Laboratory Appraisal Process*
- *National laboratory report cards with performance ratings*
- *SC procedures on its SCMS site*
- *Updated SC Integrated Support Center Organizational Charts*

In addition the DOE continues to monitor and update these major data sets on its Open Government Page:

*(1) **Deepwater Horizon Response Datasets:** Due to the high level of interest in the oil spill in the Gulf of Mexico, Data.gov features data from the DOE, the Environmental Protection Agency (EPA), the National Oceanic and Atmospheric Administration (NOAA), the Department of the Interior (DOI), and the states of Florida and Louisiana related to the spill, its effects, and the cleanup effort. Data includes oil and gas flow and recovery measurements, air and water sample data,*

oil spill-related exposure information, and other data of interest to scientists, recovery workers, and citizens;

*(2) **DOE Patents Database:** DOE's central collection of patent information contains bibliographic data for a database of patents resulting from sponsored research by the DOE and predecessor agencies. This data service allows the downloading of bibliographic records in a format that can be used to load the records into other databases or search tools. A request for data returns the first 100 records. See Technical Documentation for instructions on obtaining additional records; and*

*(3) **Geothermal Technologies Database:** Contains geothermal technical and programmatic reports dating from the 1970's to present day. These "legacy" reports are among the most valuable sources of DOE-sponsored information in the field of geothermal energy technology. This data service allows the downloading of bibliographic records in formats that can be used to load the records into other databases or search tools. A request for data returns the first 25 records. See Technical Documentation for instructions on obtaining additional records.*

2. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

At the Richland Office, documents were proactively promoted with a slide on the landing page of www.hanford.gov. A news release was also sent out to local and regional media.

OSTI used various announcement vehicles to highlight technical reports of interest to the public and scientific and technological advancements. The established mechanisms for information broadcasts include:

- *<http://www.osti.gov/home/newsletter> (OSTI.GOV Newsletter)*
- *<https://twitter.com/OSTIgov> (Twitter)*
- *<https://plus.google.com/+OstiGov> (Google+)*
- *<https://www.facebook.com/ostigov/> (Facebook)*
- *<https://www.osti.gov/home/ostiblog/> (OSTI Blog)*
- *<https://www.youtube.com/users/OSTI.Gov> (YouTube OSTI)*

At the CBFO various news releases and current information can be obtained from the WIPP Community Relations webpage at the following link:

<http://www.wipp.energy.gov/WIPPCommunityRelations/topfixedinforepo.html>

3. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Yes, the DOE Open Data challenge is designed to deliver and receive digital information and services anytime, anywhere, and on any device. In particular, several initiatives are in progress or have been implemented to provide feedback mechanisms and two-way communications to disseminate and receive information on DOE data, analyses, and products through the DOE website at <http://www.energy.gov/>.

4. If yes, please provide examples of such improvements.

Some examples of DOE Open Data two-way public engagement specifics are below:

DOE Feedback/Contact: DOE provides email links for general inquiries at <http://energy.gov/contact-us>. It also has a feedback mechanism wherein the public can select a topic and provide a specific message to access expert assistance. This feature provides the option to request or decline a reply.

Open Data Feedback: DOE provides an email link on <http://energy.gov/data/open-energy-data> for Open Data general questions.

Energy Data: The Open Data page at <http://energy.gov/data/open-energy-data> has a Submit Questions about Energy Data feature which provides an email link to datainnovation@hq.doe.gov for questions specific to DOE's data.

DOE Social Media: DOE also provides a blog at <http://energy.gov/news-blog> and Facebook, Twitter, and email at <http://energy.gov/data/open-energy-data>, and also at <http://energy.gov/data/articles/digital-strategy> for interactive communications on Open Data, digital strategy, data, etc.

Additional improvements at DOE include:

BPA has implemented a new technology system, Discovery Core that allows for searches through email, shared drive, and SharePoint sites. In addition, the system allows subject matter experts to use a secure Dropbox for records requested, which can then be directly exported into their review/redaction module.

OSTI performed extensive, routine curation processes on incoming and legacy metadata, including the normalization of contract numbers, addition of author affiliation information, review and correction of publication dates, and enhancement with subject categories and abstracts. Accurate and complete metadata makes associated research documents more findable and accessible via all OSTI products.

In FY18 thus far OSTI has:

- *Reviewed and enhanced metadata for more than 6,000 accepted manuscript records,*
- *Reviewed and added subject category information to more than 500 legacy patent records,*
- *Reviewed and enhanced metadata for more than 1,300 technical reports,*
- *Reviewed and enhanced metadata for more than 400 legacy thesis and dissertation records, and*
- *Added reference intelligence to more than 50 patent records to support future interlinking of and accessibility of research objects.*

5. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

No.

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

1. Has your agency identified any best practices to leverage technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes please describe the best practices, the types of technology used and the impact on your agency's processing.

No.

2. Did your agency successfully post all four quarterly reports for FY 2017?

No.

3. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2018.

A technical error caused an issue with one of the quarterly reports being posted. Once we determined that it did not appear on the FOIA.gov page we worked to resolve the matter. It has since been fixed and all reporting to date has been posted.

4. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2016 Annual FOIA Report, and if available, for your agency's Fiscal Year 2017 Annual FOIA Report.

*The link to the Department of Energy 2016 Annual FOIA Report is
<https://www.energy.gov/downloads/annual-foia-report-2016-1>*

5. If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.

N/A

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2017 Annual FOIA Report and, when applicable, your agency's 2016 Annual FOIA Report.

A. Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a

category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

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

Yes.

2. If so, for your agency overall in Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer?

No.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.

Approximately 80.5% of the FOIA requests processed by the agency in Fiscal Year 2017 were processed in the simple track.

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

N/A

B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016? If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog.

No, the DOE did not achieve a reduction in the backlog this fiscal year. The backlog increased by 57 from 230 in FY2016 to 287 in FY2017.

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

The DOE received 2,215 in FY 2017 an increase of 241 cases over the 1,974 cases received in FY 2016. However, the backlog only increased by 57 cases. In effect, there was a decrease as the Department processed more cases this year thus keeping the backlog from increasing as high as the increase in cases received.

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests *received* by your agency in Fiscal Year 2016.

The DOE received 2,215 requests in FY2017. Our backlog at the end of FY2017 was 287. Thus, the backlog at the end of FY2017 was 13% of the total requests received.

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?

No, at the end of FY 2016 there were ten backlogged appeals. At the end of FY 2017 there were ten backlogged appeals.

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

Several of the backlogged appeals involve classified records.

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

The DOE received 42 appeals in FY 2017. The appeal backlog at the end of FY 2017 was ten. Thus, the appeal backlog at the end of FY 2017 was 24% of the total appeals received.

C. Backlog Reduction Plans

11. In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2016 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2017?

N/A.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2016, what is your agency's plan to reduce this backlog during Fiscal Year 2017?

N/A.

D. Status of Ten Oldest Requests, Appeals, and Consultations

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C. (5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

13. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

No.

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

The agency completed seven of its ten oldest cases from the FY2016 report.

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

The requests that were closed were not withdrawn.

TEN OLDEST APPEALS

16. In Fiscal Year 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

No.

17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

In the FY2016 Annual FOIA Report, we reported a total of ten backlogged appeals. Two of those appeals were completed in FY2017.

TEN OLDEST CONSULTATIONS

18. In Fiscal Year 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

No.

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

In FY2017, we closed seven of the ten oldest pending consultations from FY2016.

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

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2016.

The foremost obstacle is the receipt of requests for any and all records related to a subject, records that are complex, classified, or may require searches and reviews by multiple components or agencies. Moreover, budget considerations across the DOE continue to affect the ability of programs to hire personnel dedicated to, and experienced in, processing FOIA cases.

21. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

N/A

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2018.

The Department will continue to monitor the ten oldest cases weekly and will discuss those cases with the offices processing the requests to determine the status and any issues that are affecting the closure.

F. Success Stories

Out of all the activities undertaken by your agency since March 2017 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, these agency **success stories** will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

The DOE has continued to address its backlogged cases by engaging senior leadership at DOE and other agencies, as necessary. Although we did not reduce the backlog this year, our vigorous efforts to process cases enabled us to keep the backlog from increasing at the same rate as the increase of received requests.

The Golden Office taught multiple classes entitled, “Best Practices – Ensuring Adequacy of a FOIA Search” to over 250 Golden personnel. The classes were designed to educate employees on how to conduct an adequate search for records responsive to FOIA requests. Examples were provided of inadequate searches including, failing to search in all media, failing to search in all known locations, failing to use appropriate search terms, and failing to use “knowledgeable” employees to conduct the search for responsive records.