

DEPARTMENT OF ENERGY

2022 CHIEF FREEDOM OF INFORMATION ACT (FOIA) OFFICER REPORT

Ingrid Kolb, Director, Office of Management

Section I: 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 Leadership

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

Yes.

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

Ms. Ingrid Kolb, Director, Office of Management.

B. FOIA Training

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

Under the leadership of the Chief FOIA Officer, the Department's FOIA Office continues to provide training on the FOIA program to agency employees. The training covers FOIA process, application of exemptions, and employees' responsibilities under the FOIA. In addition, FOIA training provided by the DOJ and the American Society of Access Professionals (ASAP) is recommended to employees as a source of training. The Department of Energy's (DOE) Chicago Office provided a virtual comprehensive FOIA overview to new summer legal interns in their General Counsel's office. The training ensures that these employees have knowledge regarding the FOIA and its process. DOE's

Bonneville Power Administration's (BPA) legal staff provided FOIA training to the FOIA staff. The training was focused on the application of FOIA exemptions 4, 5 and 6. BPA also offered a virtual FOIA 101 presentation to all agency staff. At the National Nuclear Security Administration (NNSA) the FOIA Office provided several training sessions to FOIA points of contacts regarding FOIA procedures.

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

Yes.

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

DOE FOIA professionals attended DOE-led training on FOIA exemptions, processing, searching for records and a wide-variety of FOIA-related topics. In addition, some attended the following virtual DOJ-led trainings: *Best Practices, FOIA Administration During the COVID-19 Pandemic; Processing Start to Finish; Exemptions 1, 4, 5, and 7; and Introduction to FOIA*. Some employees also had training on the *FOIA-Privacy Act* conducted by the ASAP and a virtual class on the *FOIA and Privacy Act* offered by the USDA Graduate School.

- 6. 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 percent of FOIA professionals attended some form of substantive FOIA training during this reporting period.

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

N/A.

8. Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?

Yes.

C. Outreach

9. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

DOE FOIA professionals engage requesters to discuss topics and issues concerning their FOIA requests and direct them to Agency webpages devoted to posting current information on various programs, topics, or issues. In addition, to promote open dialogue, various organizations within DOE use social media to provide the public with access to current information and updates. These forums provide a valuable opportunity for DOE to share information and answer questions on issues of interest to the public, media, and other stakeholders; explain the purpose and scope of the FOIA statute and how DOE administers the FOIA program.

D. Other Initiatives

10. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe:

- **how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and**
- **if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?**

The Chief FOIA Officer briefed senior leaders regarding FOIA matters and what is required of the department with regard to FOIA. In addition, every effort is made at DOE to provide training and information to its non-FOIA professionals. All FOIA training is open to and attended by non-FOIA professionals. New employees including senior staff and records holders receive FOIA training. The training is focused on their obligations under the FOIA and covers the presumption of openness, explains the application of the various exemptions, and shares the requirement to conduct adequate and timely document searches.

Most of DOE's site offices provide an overview of the FOIA process as well as information about the record holders responsibilities to conduct reasonable searches and of record retention policies. For example, DOE's Chicago Office conducted FOIA training for new Management and Operating contractor staff which emphasized the need for detailed searches of agency records. Chicago also conducted one-on-one sessions with various Office of Science – Consolidated Service Center organizational record custodian contact to advise them of FOIA processing requirements and their respective duties. The Richland Officer provided training on the FOIA to non-FOIA professionals. BPA also offered a virtual FOIA presentation to all agency staff.

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

At DOE, our review process continues to include the Office of the General Counsel (GC) which must concur on all withholdings using a FOIA exemption. 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, and the presumption of openness prevails.

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

DOJ's FOIA Guidelines emphasize that "[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 describes your agency's efforts in this area.

1. For Fiscal Year 2021, 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 2021 Annual FOIA Report.

The Department's average number of days to adjudicate requests for expedited processing was 17.37 days.

- 2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2021 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

The department will ensure that requests for expedited processing are adjudicated within ten calendar days by providing additional training to FOIA professionals.

- 3. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?**

Yes. The Department updated its FOIA regulation within the 180-day required time.

- 4. Standard Operating Procedures (SOPs) generally document your agency's internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's guidance, having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your agency have an up-to-date internal SOP for your FOIA administration?**

Yes. DOE HQ has a flowchart with the steps to process a FOIA request. Various sites have an SOP that outlines the general process for handling FOIA requests.

- 5. If not, please provide a timeline for when your agency plans to develop or update its SOPs.**

N/A.

- 6. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?**

No.

7. **If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.**

Currently any such requests are processed under both the FOIA and the Privacy Act.

8. **Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.**

The Department continuously looks for ways to improve the FOIA process. For example, the Headquarters (HQ) FOIA Office looked at each step in our FOIA process to determine where cases spend the most time in the process. We are currently looking at ways to revise certain areas to improve processing time. One of these areas is how we use key words and phrases to conduct the search for records to provide a more concise responsive set of records.

Additional initiatives to improve the FOIA process vary from site to site. Examples include: conducting bi-monthly meetings to review past performance and current performance metrics as well as creating checklists and reviewing procedures.

9. **The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison during FY 2021 (please provide a total number or an estimate of the number).**

The FOIA Public Liaisons have been contacted approximately 27 times this past year.

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

Yes.

11. **Optional – Please describe:**

- **Best practices used to ensure that your FOIA system operates efficiently and effectively**

- **Any challenges your agency faces in this area.**

The Chief FOIA Officer, FOIA Officer, and GC continue their best practice of conducting periodic meetings to discuss FOIA matters and ways to resolve. Additionally, the FOIA Office continues to meet monthly with GC to resolve pending issues and improve efficiency. FOIA staff also meet with program offices to ensure effective and timely searches are being conducted. Training is also provided when necessary to facilitate more challenging requests.

Challenges at the Department vary and include: limited staffing resources at some sites or FOIA staff operating in multiple job roles, obtaining records from document holders in a timely manner, reviewing and responding to broad requests seeking voluminous material, and processing highly complex FOIA requests that result in thousands of responsive documents, including classified material.

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

FOIA personnel work closely with subject matter experts and record holders to identify material of interest to the public that would be beneficial to post proactively.

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

Examples of material disclosed by the DOE during the past reporting year are listed below.

- The Office of Science's Consolidated Support Center (CSC) (which includes the Chicago and the Oak Ridge FOIA Offices) continued to post such information at: <https://science.osti.gov/isc/foia/electronic-reading-room/>. Additionally, SC

proactively posted SC NEPA documents including Environmental Assessments and Impact statements and categorical exclusion determinations at: <https://science.osti.gov/ssp/NEPA-Documents> and major contracts that have been awarded at: <https://science.osti.gov/csc/Services/Acquisition-and-Assistance/Major-Contracts-Awarded>, and documents of interest to potential offerors for open solicitations at (FBO.gov).

- The Hanford site at the Richland Operations Office updated the Hanford Site Administrative Record/Public Information Repository at <https://pdw.hanford.gov/>. The website provides the ability to search the full text of documents in its collection. Approximately 1,375 documents were posted to this website in FY 2021.
- The Strategic Petroleum Reserve continues to post environmental documents, Management and Operating (M&O) contract information, documents related to current and archived oil sales, crude oil assays for each site and safety data sheets for types of oil. These can be found at: www.spr.doe.gov/default.htm.
- The Environmental Management Consolidated Business Center continued to post copies of prime contracts at: <https://www.emcbc.doe.gov/About/PrimeContracts>.
- The Southeastern Power Administration posted documents regarding Power Rate Schedules at: <https://www.energy.gov/sepa/services/rate-schedules>.
- The BPA continued to post records requested under the FOIA on its public FOIA requests library at: <https://www.bpa.gov/about/who-we-are/freedom-of-information-act>.

BPA also continued to add frequently requested information to its public website at: <https://www.bpa.gov/about/who-we-are/freedom-of-information-act/frequently-requested-information>. This included information concerning unclaimed funds.

- The National Nuclear Security Administration (NNSA) continued to proactively post performance evaluation summaries at: <https://www.energy.gov/nnsa/leadership-and-offices/acquisition-and-project-management>. In addition, NNSA posted the NNSA Stockpile Stewardship and Management Plan at: <https://www.energy.gov/nnsa/downloads/stockpile-stewardship-and-management-plan-ssmp> and also the 2018 Nuclear Posture Review at: <https://www.energy.gov/nnsa/nuclear-security>.

3. Does your agency disseminate common types of material outside of FOIA, including online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.

Yes. The Department posts information on datasets at:
<https://catalog.data.gov/organization/ doe-gov>.

- 4. 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. DOE continues to engage the public for their comments and suggestions through the following:

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.

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

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

N/A.

- 6. Does your proactive disclosure process or system involve any collaborations with agency staff outside the FOIA office? If so, describe this interaction.**

Yes. The FOIA Office advises program offices/record holders regarding information of interest to the public based on the request received. Webpage owners are asked to track both the number of visitors on their website and the content to help determine information of interest to the public and that should be considered for further proactive disclosure.

Optional. Please describe:

- **Best practices used to improve proactive disclosures**
- **Any challenges your agency faces in this area.**

A best practice used to improve proactive disclosures is to work closely with records holders to identify records known to be of interest to the public and to get them posted proactively. Proactively disclosing records may eliminate the need for a requester to submit a FOIA request.

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 reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes.

2. Please describe any new types of technology your agency has begun using during the reporting period to support your FOIA program.

DOE continues to leverage technology to administer utilizing e-discovery software and is currently looking at additional software to allow for the conversion of voluminous pst. files to pdfs that keep the attachments in order with the parent e-mails. DOE also successfully linked its electronic FOIA tracking system to DOJ's FOIA portal by the requested deadline. This link provides requesters with a one place to send a FOIA request to multiple agencies. In addition, various sites use their Information Technology team to conduct email and discovery searches. Other technology being leveraged is the use of SharePoint software to set up document libraries as a means of collaborating with other Agencies on similar FOIA requests and coordinating responses. Legal Hold and eDiscovery are also used at a site for the collection and review of requested information.

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

Yes, the FOIA websites are reviewed regularly to address elements noted in the guidance. For example, HQ revamped its FOIA webpage to be more user friendly and make it easier to navigate for the public.

4. **Did all four of your agency’s quarterly reports for Fiscal Year 2021 appear on your agency’s website and on FOIA.gov?**

Yes.

5. **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 2021.**

N/A.

6. **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 2020 Annual FOIA Report, and if available, for your agency’s Fiscal Year 2021 Annual FOIA Report.**

The link to DOE’s raw statistical data used to complete the 2020 Annual FOIA Report can be found at: <https://www.energy.gov/management/foia-annual-reports>.

7. **Optional. Please describe:**

- **Best practices used in greater utilizing technology**
- **Any challenges your agency faces in this area.**

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 FY 2020 and 2021 Annual FOIA Reports.

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, DOE uses a separate track for simple requests.

2. If your agency uses a separate track for simple requests, according to the Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2021?

No.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 that were placed in your simple track. Please use the following calculation based on the data from your Annual Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

Approximately 56% of the FOIA requests processed by DOE in Fiscal Year 2021 were processed as simple requests.

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

When answering these questions, please refer to your Fiscal Year 2021 Annual FOIA Report, Sections XII.D-E, which compare the numbers of requests and appeals received, processed, and backlogged between Fiscal Years 2020 and 2021.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2021, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

No.

6. **If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2021 than it did in Fiscal Year 2020?**

No.

7. **If your agency's request backlog increased during Fiscal Year 2021, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:**

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

The Department did not decrease its backlog this fiscal year. This is due in part to multiple litigations, and the increased volume of requests asking for any and all communications, all e-mail communications for multiple individuals spanning multiple years.

8. **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 2021. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."**

DOE received 1,492 requests in FY 2021. Our backlog at the end of FY 2021 was 680. Thus, the backlog at the end of FY 2021 was 45% of the total requests received.

BACKLOGGED APPEALS

9. **If your agency had a backlog of appeals at the close of Fiscal Year 2021, according to Section XI.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?**

No, at the end of FY 2020, there were 12 backlogged appeals. At the end of FY 2021, there were 12 backlogged appeals.

10. If not, according to XII.E1. of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?

No.

11. If your agency's appeal backlog increased during Fiscal Year 2021, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

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

Several of the appeal cases involved requests for classified records which required internal classification review and external coordination with multiple agencies.

12. 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 2021. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2021 and/or has no appeal backlog, please answer with "N/A."

DOE received 14 appeals in FY 2021. The appeal backlog at the end of FY 2021 was 12. The appeal backlog at the end of FY 2021 was 85.7% of the total appeals received.

C. Backlog Reduction Plans

13. In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2020 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2021?

N/A

- 14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, what is your agency’s plan to reduce this backlog during Fiscal Year 2022? In particular, please also detail how your agency developed and plans to execute your backlog reduction plans.**

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 2019 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

- 15. In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in section VII.E. of your Fiscal Year 2020 Annual FOIA Report?**

No.

- 16. 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 2020 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

DOE completed six of its ten oldest cases from the FY 2020 report.

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

At the Department, the FOIA team continued to discuss cases and determine next steps, issues, and strategies to process cases more efficiently. On some cases, this required additional communication with requesters to narrow the scope and timeframe of requests as well as minimize keywords that trigger voluminous responsive documents.

TEN OLDEST APPEALS

- 18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2020 Annual FOIA Report?**

No.

- 19. 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 VI.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

In the FY 2020 Annual FOIA Report, the Department reported a total of 12 backlogged appeals. These appeals were not completed during FY 2021.

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

The oldest appeals involve classified records which normally require coordination with other agencies. However, most appeals that do not involve any classified records are processed within the 20-day timeframe.

TEN OLDEST CONSULTATIONS

- 21. In Fiscal Year 2021, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report?**

No.

- 22. 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 2020 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

In FY 2021 DOE closed four of the ten oldest pending consultations from FY 2020.

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

- 23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020.**

The foremost obstacle continues to be the continuous 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. Additionally, high turnover in experienced staff remains an issue.

- 24. 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.

- 25. 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 2021.**

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. We will also communicate with requesters to determine if there are ways to really focus on what they want and possibly exclude unnecessary information to bring closure to the request.

F. Success Stories

Out of all the activities undertaken by your agency since March 2021 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 large-scale scanning project at the Hanford Site has continued to make a significant contribution in stabilizing a variety of aging records with the digitization and indexing of legacy records collections. During FY 2021, the project successfully scanned 2,811,612 pages/images comprised of paper and microfiche. The digitizing/indexing of these records has enabled Hanford Site personnel to provide a timelier response to requests for medical records submitted by former and current employees to support workers’ compensation and Energy Employee

Occupation Illness Compensation Program Act claims. It has also allowed personnel to respond in a more expedient manner to FOIA and Privacy Act requests.

- In April 2021, as part of BPA’s inaugural “Information Management Awareness Month” the FOIA Office offered a virtual FOIA 101 presentation to all agency staff.