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Request date: 29-October-2014

Released date: 02-February-2015

Posted date: 27-April-2015

Source of document: Information and Privacy Coordinator
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Washington, DC 20505
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Central Intelligence Agency



Washington, D.C. 20505

2 February 2015

Reference: F-2015-00307

This is a final response to your 29 October 2014 Freedom of Information Act (FOIA) request, received in the office of the Information and Privacy Coordinator on 10 November 2014, for a copy of the **Executive Summary and Task Force Report, Task Force on Procedures for the Public Release of Information under FOIA, Privacy Act, and Other Programs (Blue Ribbon Panel, 30 October 1992.**

We conducted a search on behalf of another requester for records on the same or similar subject of your request. Therefore, we searched our database of previously released records and enclosed is one document, consisting of 60 pages, which we believe to be responsive to your request. This document was located and released in connection with the earlier request. Because you are entitled to the first 100 pages free, there is no charge for processing your request.

Sincerely,

A handwritten signature in black ink, appearing to read "JG" followed by a horizontal line.

John Giuffrida

Acting Information and Privacy Coordinator

Enclosure

Task Force on Procedures for the
Public Release of Information Under
FOIA, Privacy Act, and Other Programs

EXECUTIVE SUMMARY
AND
TASK FORCE REPORT



30 October 1992

Approved for Release
Date 7-28-96

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**Task Force on Procedures for the
Public Release of Information Under
FOIA, Privacy Act, and Other Programs**

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**Task Force on Procedures For The
Public Release of Information Under
FOIA, Privacy Act, and Other Programs**

I. Executive Summary

1. In response to tasking from the Executive Director to review CIA's information release programs for consistency with the Director of Central Intelligence's (DCI) openness policy, the Task Force on Procedures for the Public Release of Information Under FOIA, Privacy Act, and Other Programs conducted a survey of the performance of these programs. What it found is a system that, while doing its best to keep up, is seriously understaffed, underfunded, and overworked, and essentially leaderless in that there is no one person empowered to actively oversee the coordination and management of the entire system. The following are examples of difficulties the system is experiencing:

a. Over the last two years, the number of major investigations and litigations and their attendant records review requirements have frequently brought the processing of routine Freedom of Information Act (FOIA), Privacy Act (PA), and mandatory declassification requests (MDR) to a halt.

b. While the median response time for FOIA requests dropped dramatically from an estimated 15 months in 1984 to 1.5 months in 1987, it has been on the rise since then and nearly doubled from 2.8 months in 1990 to 5.2 months in 1991. Over the same period, the volume of incoming requests increased 63 percent while Agency personnel time devoted to processing FOIA/PA/MDR decreased 30 percent.

c. FOIA and Privacy Act processing backlogs of as much as 18 months exist in some Agency components. A few outstanding cases in process are as old as four years.

2. Sufficient resources have not been dedicated to the Agency's information release programs, in part because of a widely held perception within CIA that disclosing information to the public is not part of the Agency's core mission. Additional resources will be requested as discussed below. As a step toward changing the Agency's culture, however, the DCI should issue an openness statement, such as the one at Tab 1, that reaffirms CIA's commitment to full compliance with information disclosure laws, implements the recommendations of this report, reallocates resources as required, and directs the cooperation of senior management. (See Recommendation #1 in para. 20.)

3. The demands on CIA's information release programs will increase in the foreseeable future. The DCI's openness policy created a public expectation that CIA will be releasing more

information, and that expectation is not likely to diminish. (CIA will receive an estimated 24 percent more FOIA, Privacy Act, and MDR requests than it received last year, and systematic review of historical records likely will increase in light of openness policies.) In addition, over the past two years, non-FOIA litigations and investigations affecting the Agency by the Department of Justice and other law enforcement agencies, Congressional investigations, and inquiries from the media have increased in intensity. Examples include BCCI, BNL, Iran-Contra, JFK assassination files, the Noriega prosecution, and the "October Surprise."

4. Major cases such as these point out the critical need to coordinate records reviews so that key information is not overlooked and a decision in one program to release information does not conflict with an effort in another program to withhold it. They also point out the need to conduct exhaustive records searches so that the Agency's credibility with Congress, the courts, and the public is not damaged by having to correct the record as additional information is found. CIA records systems have evolved over the years to protect intelligence sources and methods, and today are being tasked by non-intelligence bodies to meet requirements they were not designed to meet quickly and completely. The work of our Task Force to improve the search and review of records under Agency information release programs will not be totally effective unless CIA's records are better organized and controlled. Even with a substantial investment in resources, it will take several years before significant progress can be realized. The Task Force, therefore, emphasizes the importance of the work of the Information Services Task Force that is separately addressing records management issues.

5. There are steps CIA can take immediately to improve its information release programs. It should begin by putting someone in charge of administering all of them. This will facilitate routine FOIA and Privacy Act processing, reduce bottlenecks and delays, better coordinate searches and reviews, and improve CIA's responsiveness to requesters. Putting someone in charge is even more important in complex and time sensitive litigations and investigations. CIA typically responds to a crisis by forming an ad hoc task force or working group. When the crisis is over, the group disbands, and the experience is lost. Frequently, lessons have to be relearned when the next crisis occurs. More to the point, this approach by its very nature will always be more reactive than proactive.

6. Because ad hoc groups are only temporary and are dedicated to resolving the issue at hand, the best way for CIA to prepare for future crises is to establish a central information manager and a more permanent crisis management structure that will immediately be available when a crisis arises. Such a structure will retain institutional memory and, by making use of

previous experience, can put into place a set of constantly-improving procedures that will not only enable the Agency to respond to fast-breaking crises, but also to identify potential crises sufficiently in advance.

7. To this end, there should be a Chief of Information Release Policy (C/IRP). This senior officer should report directly to the Executive Director and be assisted by a working level intra-Agency advisory board of review experts. He or she will set priorities and deadlines for review responses, ensure that adequate searches are conducted, and confirm that record release decisions are correct and consistent. The Task Force strongly recommends that the Information and Privacy Coordinator, the Publications Review program, and the Historical Review Group¹ (HRG) report to this senior official. This recommendation is summarized in Recommendation #2 in para. 21.

8. To improve the responsiveness, timeliness, and efficiency of CIA's FOIA, Privacy Act, and MDR processing, as well as its response to investigations and litigations, processing resources at the Directorate and component levels should be augmented. This recommendation is summarized in Recommendation #3 in para. 22.

The Director of the Center for the Study of Intelligence believes that the HRG should not be incorporated under C/IRP. He believes that although close coordination between compulsory and voluntary review programs is clearly in the Agency's interest, centralizing the two functions under one administrator, as this Task Force proposes, would create a public impression that the Agency is retreating from the DCI's commitment to release volumes of historical records and to insulate the HRG from the FOIA process for this purpose. He also believes that centralizing two such different programs would inevitably run the risk of diverting resources from the HRG to the more immediate needs of the compulsory programs, of subordinating the newly-written Guidelines for historical review to the guidelines imbedded in statute for FOIA releases, and of gradually assimilating the HRG into the adversarial structure of the compulsory programs.

The Task Force did not find these arguments compelling. Under the DCI's openness policy, all CIA release programs are expected to conform, to the greatest extent possible, to the principles embodied in the HRG. The HRG's practical experience in applying openness principles would be extremely valuable to the success of CIA's FOIA and other information release programs. Moreover, as material under HRG review is increasingly the subject of simultaneous FOIA actions, placing all Agency information release programs under one administrator promotes efficiency and ensures the consistent application of the openness policy.

9. Numerous changes also should be made to Agency FOIA, Privacy Act, and MDR processing procedures. This recommendation is summarized in Recommendation #4 in para. 23. These changes are intended to establish more effective communications between CIA and the requesters, provide easier public access to the process, and explain the process in more easily understandable language. Finally, to implement Recommendations #2, #3, and #4, CIA's regulations should be revised. (See Recommendation #5 in para. 24.)

**Task Force on Procedures For The
Public Release of Information Under
FOIA, Privacy Act, and Other Programs**

II. Report

A. Tasking and Terms of Reference

10. Pursuant to tasking on 17 June 1992 from the Executive Director, the Task Force was charged with reviewing "existing policies and procedures for declassification and public release of information pursuant to FOIA, Privacy Act, and other specified programs to ensure that all Agency release decisions are consistent with the DCI's openness policy,² the Historical Review Group guidelines," and Executive branch directives on classification. As provided in its terms of reference, the key issue for the Task Force was to assess how well the current system works and how it can be improved.

11. This report covers release programs that involve Agency review of its records, such as the FOIA, the Privacy Act, MDR provisions of Executive Order 12356, the Historical Review Group (HRG), the Publications Review Board (PRB), litigation support, and requests from Congress and the media. It also covers investigations and other requests for information where senior Agency management determines that substantial CIA interests are at stake, such as BCCI, BNL, and Iran-Contra. This report does not cover routine contacts with the media by the Office of Public and Agency Information (PAI) or the routine interactions with Congress by the Office of Congressional Affairs (OCA).

B. Methodology

12. The Task Force began by focusing primarily on the Agency's FOIA and Privacy Act programs. First, it solicited the views and comments of knowledgeable outside parties. (See Appendix.) After receiving briefings analyzing the operation of these programs from Agency personnel intimately involved with them, the Task Force compared CIA's procedures with those of

²It is recognized that intelligence sources and methods are fragile and subject to denial, deception, and other countermeasures. Openness does not mean the disclosure of information about intelligence sources and methods or other privileged information. It does, however, mean that CIA will attempt to make information available to the public when it can do so without damage to the interests of the United States.

other agencies³ and developed estimates of the costs of CIA's processing.

13. It soon became apparent that assessing the performance of CIA's information release programs involved broader issues than FOIA and Privacy Act processing. It involved, for example, examining how the different release programs relate to one another and how a decision to release information under one program may affect release decisions under another. It involved a recognition that quality reviews cannot be conducted without comprehensive searches, and that issues of search adequacy require a thorough review of Agency information management practices that is beyond this Task Force's charter. Finally, because high priority demands in major cases significantly strain the Agency's information processing systems, the Task Force recognized that it needed to address the way CIA handles such crises. The Task Force wanted to ensure that the goals of consistency, efficiency, and openness are not lost through poor crisis management.

C. Major Concerns Expressed During Interviews With Outside Parties

14. Three broad areas of concern emerged from the interviews with outside parties: (a) the length of time it takes the Agency to process FOIA and Privacy Act requests; (b) the impersonal manner in which the Agency deals with requesters when they make requests (at the present time limited to written correspondence); and (c) requester dissatisfaction with the product they finally receive. Specifically, the perceptions of these people centered on the following topics:

a. Requesters want to know their place in queue, when to expect a response, and their fee status.

b. Requesters want to know how to focus their requests to get the information they "really" want.

c. Requesters feel their requests have vanished into a "black hole" and they want regular contact from the Agency so that they know their requests are still being processed.

d. Requesters want to receive information as it is processed, rather than waiting for the entire request to be processed.

³Task Force members visited the Defense Intelligence Agency, the Federal Bureau of Investigation, the Office of the Secretary of Defense, the Department of State, the Department of Justice, and the National Security Agency.

e. Requesters want reading rooms where they can browse through previously released information. They also want improved access to this information in electronic form, either to an index or the full-text version.

f. Requesters want processors to conduct minimal research so that simple requests for information do not get bogged down in FOIA or Privacy Act queues.

g. Requesters do not fully understand why information is withheld. They also do not understand the Agency's GLOMAR policy (that sometimes CIA can neither confirm nor deny the existence or nonexistence of responsive records); its "mosaic theory" (why seemingly innocuous pieces of information may not be released because they would contribute to a hostile intelligence service's view of the whole picture); that the CIA Information Act permits CIA not to search certain files that have been designated as operational; or that temporary records (categories of information determined by the National Archives to be without historical value) may be destroyed in accordance with routine destruction schedules set by the National Archives.

h. Requesters complain that when receiving previously released information, CIA does not supply sufficient information about redacted records or records denied in full.

D. Major Concerns Expressed Within CIA

15. The Task Force also heard a number of concerns raised about Agency information release programs from within CIA:

a. Requesters are frequently unreasonable. They make requests that are poorly focused, overly broad, and taxing for Agency processors. They do not appreciate the difficulty some requests entail and they expect unrealistically quick processing.

b. Despite CIA's earnest efforts to be forthcoming and explain the release process and the reasons for withholding information, requesters still do not understand that there are legitimate reasons for Agency actions. They are quick to ascribe sinister motives where none exist.

c. Requesters unrealistically expect more information to be released. While not everything CIA does is a secret, an intelligence agency must at a minimum be able to protect its sources and methods.

d. Reviewers are frequently in an untenable position. They understand their obligation to release information that is not classified. But often, even though they find it extremely difficult to articulate the damage to national security that reasonably could be expected to result from disclosure, their instincts, training, and experience lead them to believe that damage nevertheless could result.

e. Not enough time is available to satisfy all the demands placed on processors.

f. Not enough resources are being devoted to information release programs. Until recently, senior Agency management gave these programs low priority.

g. Disclosure rules are changing in this era of CIA openness, and reviewers are often unsure how to apply them in particular circumstances.⁴

h. Uncoordinated release determinations sometimes lead to inconsistent Agency positions on protecting information.

i. External training opportunities in the FOIA and the Privacy Act are not fully utilized, and internal training is inadequate.

E. Findings of Fact

16. *Finding #1: CIA has not perceived information disclosure as part of its core mission. Consequently, it has not been considered a "business area" for budgetary and planning purposes at the corporate level. Comprehensive improvements to the processing system traditionally have been a low priority.*

17. *Finding #2: The information disclosure process has developed without central guidance.*

a. **No one is actively in charge of the entire system:**

i. The Information and Privacy Coordinator has no authority to manage the entire system because he is responsible primarily for only the FOIA, Privacy Act, and MDR programs.

⁴A major step toward implementation of the openness policy will be the refinement, clarification, and further development of classification and declassification standards by the Task Force on Classification Standards.

ii. Even in these areas, the Coordinator has no authority to set review priorities and deadlines, to oversee component search and review efforts, or to make budgetary or planning decisions in order to allocate resources most effectively.

iii. Further, while the Information Review Committee (IRC) has been involved in the administrative appeal process, it has not provided overall guidance and management of the Agency's FOIA, Privacy Act, and MDR programs. The IRC is not involved with other Agency information release programs. Often, information disclosure issues--even in significant cases--are not coordinated at senior levels.

b. Each component has developed its own information management procedures. For example, there effectively is no corporate "standard" under which components are required to log the creation and disposition of records into a document management system. There is no centralized index of the Agency's official records. Components tend to think they own information; there is no concept that they are merely custodians of information that belongs to the Agency. These issues are beyond the scope of this Task Force's charter, but until they are satisfactorily resolved, the Agency will not have completely effective information release programs.

c. Each requesting component applies its own priorities to the entire process. Components compete with each other for processors' attention. Each thinks its own needs are paramount, and the besieged processors are left to sort out priorities. There is no "gatekeeper" to keep the process from being overwhelmed by competing demands for immediate action.

d. CIA typically responds to major cases by forming ad hoc groups. CIA's continual use of such groups is an admission that the current organizational structure is not set up to handle these kinds of issues.

18. *Finding #3: Lack of central guidance has had adverse consequences.*

a. Institutional memory has been lost. Because ad hoc crisis management groups disband after the crisis, there is no central repository for all information release programs of lessons learned from past experience. Consequently, CIA either relearns what it once knew or repeats its mistakes.

b. CIA has not been sufficiently proactive in preparing for future major cases. Because ad hoc crisis groups by their very nature are reactive and are dedicated

to dealing with the issue at hand, there is no permanent group that systematically reviews all of CIA's information release programs and develops procedures to avoid the mistakes of the past and facilitate the handling of the next crisis. Valuable time is lost when an ad hoc group must be formed and then get up to speed in the midst of a crisis.

c. **Some records searches have been inadequate.** Proper information management, especially a thorough search and retrieval capability, is absolutely essential to successful release programs. For an agency whose mission is to collect and disseminate information, CIA has had great difficulty in the recent past in responding, under severe pressure, to some Congressional and law enforcement inquiries with timely and complete answers. Speed is often of the essence in litigations and investigations. Nevertheless, the pressure to respond quickly should not drive CIA toward hasty release decisions based on inadequate searches and less-than-thorough coordination. While every record search and review must be thorough and complete, short deadlines highlight the need to have reliable information systems. Instead of the Agency's getting credit for attempting to respond as quickly as possible and for being forthcoming when it later amends its previous statements, it is more likely that CIA's credibility suffers because its search was not adequate the first time. The Task Force is concerned that CIA's movement toward further decentralization of its records systems instead of toward greater centralization--although with proper provision for compartmentation--will further hamper the Agency's future search capability.

d. **Release decisions among different programs have been uncoordinated, and openness has been inconsistently applied.**

i. CIA has difficulty dealing with fast-breaking litigation and investigation demands in part because there is no institutionalized mechanism for coordinating searches, reviews, and releases. The Iran-Contra investigation is a good example of the coordination problems that can arise from dealing with major issues on an ad hoc basis. Initially, different parts of the Agency were responding to different constituencies: Office of General Counsel (OGC) was dealing with the Independent Counsel, the Inspector General (IG) with the Tower Commission, and OCA with Congress. Separate records were being kept, separate searches were being conducted, and separate indexes were being created. It took too long for CIA to put one group in charge and coordinate Agency search and review efforts. Similar coordination problems exist today and are fostered by CIA's organizational

structure: no centralized records system, no centralized review mechanism, and dysfunctional procedures.

ii. Another example is the Publications Review Board. While it does not officially release documents and is only empowered to object to publication of classified information, PRB release decisions have a significant effect on other Agency release decisions and the way evidence is introduced into court (that is, it is difficult for a prosecutor to argue that certain evidence is classified if the witness included it in a book approved by the PRB). Accordingly, PRB decisions must be closely coordinated with the Agency's litigation positions, and vice versa. Similar coordination problems arise with respect to releases by the Office of Congressional Affairs, the Office of Public and Agency Information, and the Historical Review Group.

iii. It is very important for CIA release policies to be consistent. Agency personnel, however, often are not certain about CIA's openness policy or standards for reviewing classified information. There currently is no simple way to quickly ensure that a CIA response is appropriate in a particular case, and no one is in charge of the entire system to ensure that a consistent and reasoned approach is followed.

iv. In order to improve coordination and consistent implementation of the DCI's openness policy, the Task Force considered two options that would achieve these goals through greater centralization:

(a) The Task Force debated and rejected a plan that would have created a central staff to make all initial review determinations, subject to further review by the components. The representatives from the Directorate of Operations opposed the plan because they believed it would destroy compartmentation. The Directorate of Intelligence representatives did not believe that a central staff could make the fully informed review determinations that analysts make under the current decentralized system. Representatives from the DCI area, the Directorate of Administration, and the Directorate of Science & Technology did not oppose the plan. The Task Force ultimately decided that consistency, efficiency, and openness could be addressed at this time by applying the less drastic and less

costly organizational changes presented in this report.

(b) The Task Force also considered and ultimately determined that the information release programs should be centrally administered and include the Publications Review program and the Historical Review Group.⁵ Placing the PRB and HRG into a central staff would encourage the daily discussions and contacts at the working level that inevitably occur among personnel in the same staff and, thereby, facilitate coordination and consistency among the various information release programs. The Task Force also noted that much of the material reviewed under the FOIA is as old or older than that controlled by the HRG, and there will be increasing overlap in requests for the same information. Placing the HRG under a central management structure would ensure that release guidelines currently in use by the HRG would be more consistently applied and enforced in other information release programs.

The Task Force considered objections to the inclusion of the HRG in a central staff which were raised by the Center for the Study of Intelligence.⁶ The Task Force noted, however,

⁵Currently, the Agency's Historical Review Program consists of the HRG, the History Staff, the History Advisory Board, and the Historical Review Panel. Only the HRG is transferred to a new central staff under this proposal.

⁶The Center for the Study of Intelligence (CSI) offers the following dissent: It believes that the HRG should not be incorporated under the C/IRP. Close coordination between compulsory and voluntary review is clearly in the Agency's interest, but centralizing the two functions under one administrator, as this Task Force proposes, would create a public impression that the Agency is retreating from the DCI's commitment, repeated many times, to releasing volumes of historical records and to insulate the HRG from the FOIA process for this purpose. The voluntary and autonomous HRG is currently processing historical documents at the rate of about 200,000 pages a year, many times the recent release rate from the FOIA process. Centralizing two such different programs under one C/IRP would inevitably run the risk of diverting resources from the HRG to the more immediate needs of the compulsory programs, of subordinating the liberal Guidelines for Historical Review to the more restrictive, statute-driven guidelines for FOIA releases, and of gradually assimilating the HRG into the

that the authorities granted to the Chief/HRG were not being abridged, the current review time-lines were not being disturbed, and the staffing of the HRG was not being reduced. Accordingly, the Task Force was not persuaded that including the HRG would harm it. To the contrary, the HRG's strong commitment to openness would make a positive contribution to the Agency's entire information release process. Moreover, as material under HRG review is increasingly the subject of simultaneous FOIA actions, placing all Agency information release programs under one administrator promotes efficiency and ensures the consistent application of the openness policy. The Task Force concluded that the Agency is best served if the PRB and HRG are administratively joined with other CIA information release programs.

e. Routine FOIA and Privacy Act requests have a low priority. CIA is not organized to simultaneously and efficiently process the different types of requests it receives. For example, very little redundancy is built into the system, with the result that when a few key people are preoccupied with important or complex cases, routine FOIA and Privacy Act processing comes to a halt.

f. Delays and bottlenecks exist in the processing system at the Information Review Officer (IRO) level and at the working level in many components.

g. Release of information is delayed. Because no release is made until all components have finished their review, information that ultimately can be released is held hostage until the slowest component responds. There is no one to direct that all reviews be completed at the same time.

h. Previous releases are not adequately recorded. CIA's current data base for storing and retrieving previously released information is antiquated and inadequate. In order to ensure consistency in its release decisions, CIA needs a new system that is centrally operated and maintained and that includes all types of releases; the

adversarial structure of the compulsory programs. Under the Task Force proposal, C/IRP would gain control over HRG, which is working well, but would have only limited control over the FOIA process, which has had some difficulties.

Task Force endorses the recommendations of the Task Force on the Management of Officially Released Information.

19. *Finding #4: Although requesters complain about the length of time it takes CIA to respond to their requests, CIA's FOIA, Privacy Act, and mandatory declassification median response time is as good, if not better, than that of some agencies. Nevertheless, CIA could make its process more readily accessible to external requesters. As shown in Figure 1, CIA's median response time for these programs is as good as that in some agencies which complete smaller numbers of initial requests. (CIA's processing statistics for these programs from 1983-92 are given in Figure 2.) CIA could be more responsive, however, by routinely working with requesters on the telephone in the "scoping" process, and by more fully explaining in written format both the process and the basis for denying information. CIA also could facilitate public access to previously released information.*

F. Recommendations

20. *Recommendation #1: Issue a DCI openness statement. To reaffirm that CIA remains fully committed to complying with information disclosure laws, consistent with its obligations to protect intelligence sources and methods, the DCI should promulgate, both inside and outside the Agency, an openness statement such as that at Tab 1. The statement directs the reallocation of resources as required and orders the implementation of the recommendations in this report. The statement also calls for a review, within 18 months after the date this report is accepted, to determine how well the Task Force's recommendations have been implemented and how well the information release system is working. In the discretion of the DCI, this review may be conducted by CIA's Inspector General or by managerial elements as appropriate. CIA's commitment to information disclosure should be reflected in its regulations and handbooks, and a DCI statement on openness should be reviewed and reissued periodically.*

21. *Recommendation #2: Establish centralized management. A system of centralized management should be established to oversee the Agency's information release programs. This system, more fully described in Tab 2, should be composed of the following elements:*

a. *A Chief of Information Release Policy (C/IRP) under the Executive Director should be appointed to provide day-to-day management of all Agency information release programs. C/IRP should be designated by the DCI as the Agency official responsible for ensuring the adequacy of records searches and for Agency withholding and release decisions. Consequently, C/IRP and his or her staff should*

Figure 1

**FOIA/Privacy Act/Mandatory Declassification Review:
CY 1991 Statistics for Various Agencies
(ranked by number of initial requests received)**

<u>Agency</u>	<u>Initial Requests Received</u>	<u>Initial Requests Completed</u>	<u>Cases Carried To 1992</u>	<u>Median Response (days)</u>	<u>Appeal Rate¹</u>	<u>Litigation Rate²</u>
DOJ/OIP ³	657	741	347	159 ⁴	2.0	0.7
NSA	735	774	557	N/A	6.2	0.5
DIA	1,024	1,024	639	N/A	5.8	1.0
OSD ⁵	2,906	3,149	1,013	151 ⁶	3.5	0.2
CIA	4,563	4,024	2,927	156	3.0	0.4
DOS	5,186	5,026	3,139	440 ⁷	6.0	0.2
FBI ⁸	<u>12,258</u>	<u>12,857</u>	<u>7,987</u>	<u>219</u>	<u>4.5</u>	<u>0.6</u>
Average	3,904	3,942	2,373	225	4.4	0.5

N/A = Statistics not available.

¹ Appeals as a percentage of initial requests completed.

² Litigations as a percentage of initial requests completed.

³ Statistics apply only for unclassified requests for documents in DOJ's so-called "front offices" (e.g., the Office of Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General, the Office of Public Affairs, the Office of Legislative Affairs, and the Office of Policy and Development). Although not reflected in these statistics, DOJ/OIP is responsible for deciding all FOIA appeals for all DOJ components and agencies, some 28, which generally do their own initial processing.

⁴ Generally, DOJ/OIP responds to first party requests that result in "no records" within 30 days.

⁵ These statistics are not for the entire Department of Defense but only the Offices of the Secretary of Defense and the Joint Chiefs of Staff. There are an additional 14 separate Department of Defense components that respond directly to the public regarding information created under their cognizance.

⁶ This figure reflects Office of the Secretary of Defense's average response time, not the median response time.

⁷ This figure reflects Department of State's average response time, not the median response time.

⁸ FBI's statistics are for fiscal year 1991 and reflect only FOIA/PA requests processed at FBI headquarters. Mandatory declassification review processing pursuant to E.O. 12356 was handled by an office other than the FBI's Freedom of Information-Privacy Acts Section prior to October 1991.

Figure 2

CIA FOIA/PA/MDR Workload Statistics: CY 1983-92

Year	FOIA/PA/MDR Requests Received	FOIA/PA/MDR Requests Completed	FOIA/PA/MDR Appeals Received	Appeals as % of Requests Completed	FOIA/PA Litigations	Litigations as % of Requests Completed	FOIA Median Response Time	FOIA Fees Collected	FOIA/PA/MDR Manpower
1983	2466	2059	55	2.7%	24	1.2%	--	\$ 8817	121 man-years
1984	2800	2991	95	3.2%	17	0.6%	15.0 months (est)	\$ 4639	114 man-years
1985	2804	4098	151	3.7%	11	0.3%	9.2 months*	\$10546	116 man-years
1986	3094	3580	158	4.4%	7	0.2%	3.2 months	\$ 4877	107 man-years
1987	3324	3045	172	5.6%	13	0.4%	1.5 months	\$ 2637	94 man-years
1988	3796	3649	137	3.8%	14	0.4%	2.3 months	\$ 2294	96 man-years
1989	4519	4178	129	3.1%	6	0.1%	3.2 months	\$ 3984	94 man-years
1990	4435	4008	146	3.6%	13	0.3%	2.8 months	\$ 1950	87 man-years
1991	4563	4024	122	3.0%	15	0.4%	5.2 months	\$ 991	80 man-years
1992	5648 (est)	5024 (est)	179 (est)	3.6% (est)	17 (est)	0.3% (est)	--	--	--

*March - Sept. 1985

have the authority from the DCI to request and to be given access to any information relevant to an authorized search requirement. He should ensure that the correct components are tasked to search for and to review records, set component search and review priorities, and prepare budgets and planning proposals for all information release programs.

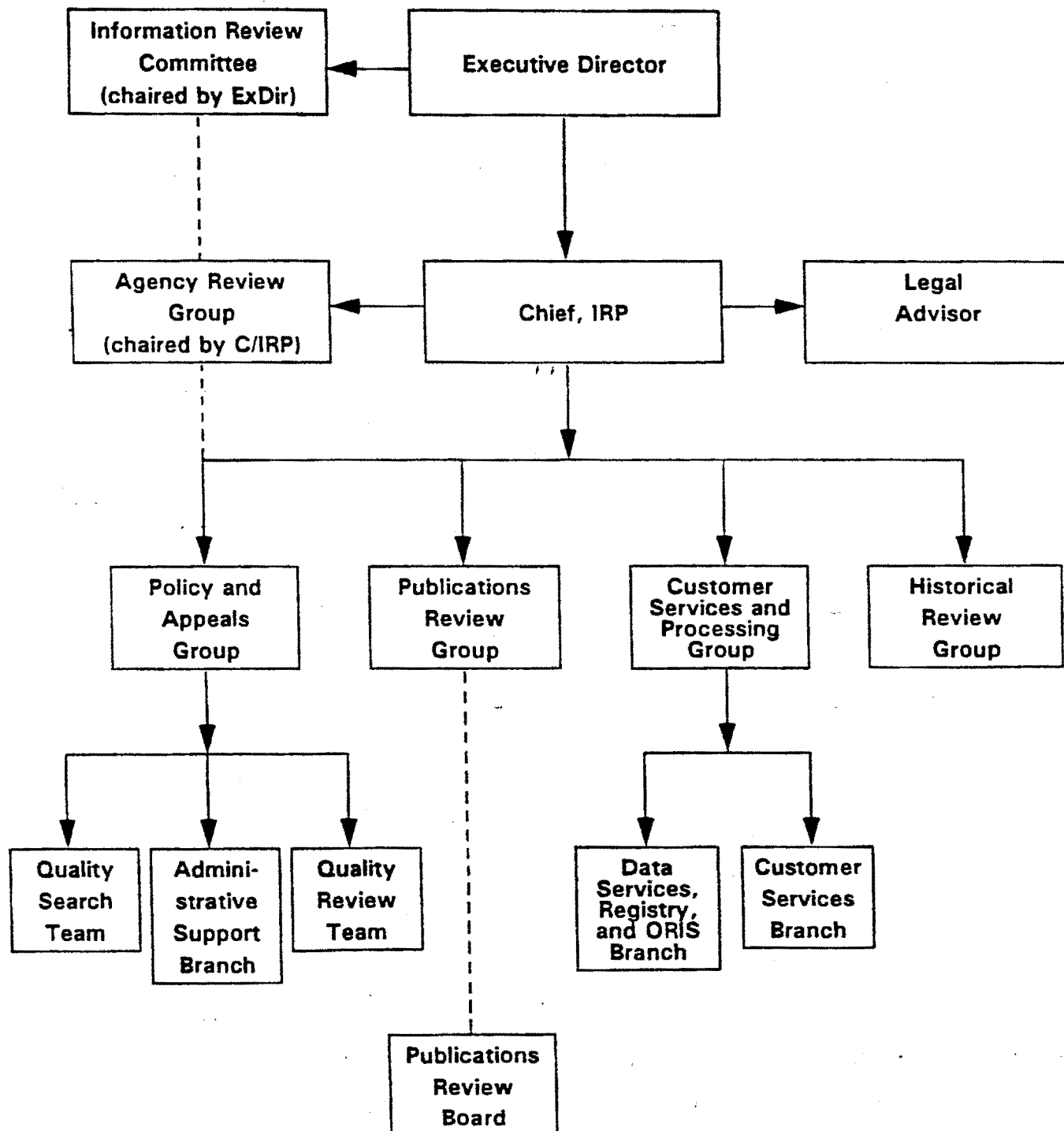
b. C/IRP should be assisted by an Information Release Policy Staff (IRPS). (See Figure 3.) In order to more fully centralize administrative processing and to coordinate release decisions across programs, this Staff should incorporate the Information, Privacy, and Classification Review Division (currently in the Office of Information Technology in the Directorate of Administration), the staff of the Publications Review Board (currently in the Office of Public and Agency Information), and the Historical Review Group (currently in the Center for the Study of Intelligence).

c. To ensure the adequacy of records searches, the IRPS should include a Quality Search Team (QST), composed of a senior officer on rotation from each of the four Directorates and the DCI area. It should be a resource for components to draw upon for help in framing searches when responding to important, complex, or time-sensitive requests. It should conduct periodic audits of records searches, and should process appeals that challenge the adequacy of FOIA or Privacy Act searches. Finally, it should recommend search procedures for consideration by more senior Agency review boards. It also should recommend information management policies for consideration by the Agency's Information Management Officer.

d. To ensure that component reviews consistently implement the DCI's openness policy, the IRPS should include a Quality Review Team (QRT). The QRT should be composed of a senior official on rotation from each of the four Directorates and the DCI area. The QRT should conduct spot checks of component review determinations for all release programs. It also should examine component review determinations in all important and complex cases and in appeals. Components that disagree with QRT release determinations may present the issue to an intra-Agency advisory board of information review experts, the Agency Review Group (ARG).

e. C/IRP should chair the ARG, composed of the IROs from each of the four Directorates and the DCI area, and representatives from OGC, OCA, PAI, the PRB, and the HRG. The ARG should assist C/IRP in the development of annual budgetary and planning proposals for all information release programs. The ARG also should serve the Information Review

Figure 3

Information Release Policy Staff (IRPS)

Committee in coordinating the release of Agency records involved in major media stories, Congressional investigations, and law enforcement cases.

f. The IRC (presently composed of the Deputy Directors) should be chaired by the Executive Director and be expanded to include the General Counsel, the Director of Congressional Affairs, and the Director of Public and Agency Information. C/IRP should be the Executive Secretary to the IRC. The IRC's functions should be expanded from responsibility for only the FOIA/PA/MDR programs to include reviewing and setting policy with respect to all Agency information release programs and managing Agency responses to important or complex cases at a senior level. The Executive Director should appoint a representative of the IRC member, from the most relevant component, to coordinate CIA's response to each important or complex case through C/IRP.

22. *Recommendation #3: Augment Directorate and component resources.* To improve the responsiveness, timeliness, and efficiency of CIA's FOIA, Privacy Act, and MDR processing, as well as its response to investigations and litigations, resources at the Directorate and component levels should be augmented as described in Tab 3. The IROs should devote their full attention to review matters. Competing duties currently being performed, such as information management responsibilities, should be reassigned. Assistant IROs should be appointed so that routine requests can continue to be processed instead of being regularly and periodically displaced by major investigations and litigations. The lines of responsibility should be clarified below the IRO level through the appointment, in consultation with the IROs, of senior "component referents" who should have information requests as their primary duty, whether or not full time. A number of components need additional personnel to reduce backlogs.

23. *Recommendation #4: Institute procedural changes in the FOIA, Privacy Act, and mandatory declassification programs.* A number of changes to CIA's FOIA, Privacy Act, and MDR processing procedures should be implemented. The changes are summarized here and more fully described in Tab 4:

a. The delivery of the product can be improved through more extensive initial contact with requesters, focusing requests, instituting more regular follow-up contact with requesters, releasing information as it becomes approved for release without waiting to complete all processing, and providing direct public access to previously released information through reading rooms.

b. The quality of the product can be improved by providing quick responses to requests that do not need FOIA or Privacy Act processing (we may be burdening the system by not doing minimal research where feasible), more fully explaining withholdings and previously released information, and ensuring that reviews are done properly the first time so that more information is not released upon appeal or in litigation.

c. Internal processing can be improved by obtaining reciprocal agreements with third agencies to expedite the processing of referred documents and by exploring the use of technology to conduct electronic redacting.

24. *Recommendation #5: Revise Agency regulations.* To implement Recommendations #2, #3, and #4, Agency regulations should be revised. OGC has written draft regulations. The draft regulations should be revised to reflect the system as adopted, internally coordinated, and submitted to the Executive Director within 30 days.

G. Resource Implications

25. Proceeding on the assumption that the availability of additional resources is seriously constrained, the Task Force made recommendations that would required additional resources only where absolutely necessary. As shown in Figure 4, the initial annual personnel cost of implementing the recommendations in this report is estimated to be \$2.3 million. This would be in addition to the estimated cost of CIA's current processing system (\$5.2 million). The recommendations entail the addition of 29 Full-Time Positions (FTP) and part-time hours amounting to 6.4 FTE.⁷ Fourteen FTPs and part-time hours amounting to 0.5 FTE should be added for the Information Release Policy Staff, three FTPs and 1.7 FTE at the Directorate IRO level, and 12 FTPs and 4.2 FTE at the component level. These additional resources would reduce existing backlogs to a more uniform three to four months across the Agency; achieving even shorter processing times would require additional resources. After the backlogs are reduced and people can be reassigned, personnel costs will drop by an estimated \$0.5 million and by 12 FTPs and part-time hours amounting to 2 FTE. Costs and personnel recommendations by Directorate and by component are summarized in Figure 5.

⁷A Full-Time Equivalent (FTE) equates to 2087 work hours in a year.

Figure 4

ESTIMATED ANNUAL PERSONNEL COSTS OF RECOMMENDED SYSTEM AT THE CORPORATE, DIRECTORATE, AND COMPONENT LEVELS

ORGANIZATION	Current Cost	*****START-UP COSTS*****			Total Cost	*****AFTER START-UP*****			
		Add'l FTP	Add'l FTE	Add'l Cost		Changed FTP	Changed FTE	Changed Cost	Total Cost
Central Staff	\$2,001,250	14	0.50	\$1,258,650	\$3,259,900	-7	-0.50	(\$268,700)	\$2,991,200
Directorates		3	1.70	\$341,530		0	-0.50	(\$18,850)	
Components		12	4.19	\$695,900		-5	-1.00	(\$224,550)	
SUBTOTAL Directorates Plus Components	\$3,241,735	15	5.89	\$1,037,430	\$4,279,165	-5	-1.50	(\$243,400)	\$4,035,765
TOTAL Agency-Wide	\$5,242,985	29	6.39	\$2,296,080	\$7,539,065	-12	-2.00	(\$512,100)	\$7,026,965
NOTE: Personnel costs are based on average salaries paid to Agency employees in 1992 dollars, and do not include non-salary fringe benefits.									

Figure 5
ESTIMATED ANNUAL PERSONNEL COSTS OF RECOMMENDED SYSTEM BY COMPONENT

		*****START-UP COSTS*****					*****AFTER START-UP*****			
ORGANIZATION	Current Cost	Add'l FTP	Add'l FTE	Add'l Cost	Total Cost	Changed FTP	Changed FTE	Changed Cost	Total Cost	
Enhanced Document Search		5		\$385,500						
Enhanced Document Review		5		\$418,500						
Management		2		\$199,200						
Legal Advisor		1		\$73,100						
Sec'y		1		\$29,400						
Training Officer			0.50	\$30,700			-0.50	(\$30,700)		
ORIS Inputters						-7		(\$238,000)		
Regraded Positions				\$142,250						
SUBTOTAL Central Staff	\$2,881,250	14	0.50	\$1,258,850	\$3,259,800	-7	-0.50	(\$268,700)	\$2,991,200	
DDNMS/LSS - Fill Positions				\$102,800						
IRO - Regraded Positions				\$27,400						
SUBTOTAL DO	\$472,510	0	0.00	\$130,200	\$602,710	0	0.00	\$0	\$602,710	
DIR/Records Center		3		\$91,800		-2		(\$61,200)		
OIR		1		\$37,700						
IRO GS-14 Ass't		2		\$122,800						
DI/FOIA Staff			0.50	\$18,850			-0.50	(\$18,850)		
SUBTOTAL DI	\$466,039	6	0.50	\$271,150	\$737,189	-2	-0.50	(\$80,050)	\$657,139	
ORD			0.94	\$47,878			-0.50	(\$25,700)		
OTS			0.88	\$38,505			-0.50	(\$25,700)		
OSO			0.89	\$39,807			-0.50	(\$25,700)		
FBIS		2		\$87,400		-1		(\$33,700)		
OD&E		2		\$87,400		-1		(\$33,700)		
IRO GS-13 Ass't			0.80	\$30,840						
SUBTOTAL DS&T	\$180,895	4	2.89	\$281,630	\$472,525	-2	-1.50	(\$144,500)	\$328,025	
OS		1		\$37,700						
OP		1		\$37,700		-1	0.50	(\$18,850)		
IRO Ass't			0.80	\$30,840						
SUBTOTAL DA	\$371,810	2	0.80	\$112,240	\$483,250	-1	0.50	(\$18,850)	\$464,400	
OIG			0.80	\$34,640						
OPAI		1	0.50	\$70,250						
OCA			0.80	\$22,820						
OGC		1		\$43,300						
IRO GS-14 Ass't		1		\$81,400						
SUBTOTAL DCI	\$355,943	3	1.90	\$232,210	\$588,153	0	0.00	\$0	\$588,153	
SUBTOTAL PRB	\$493,132	0	0.00	\$0	\$493,132	0	0.00	\$0	\$493,132	
SUBTOTAL HRG	\$902,200	0	0.00	\$0	\$902,200	0	0.00	\$0	\$902,200	
TOTAL AGENCY-WIDE	\$5,242,905	29	8.39	\$2,288,080	\$7,531,065	-12	-2.00	(\$512,100)	\$7,028,965	
NOTE: Personnel costs are based on average salaries paid to Agency employees in 1992 dollars, and do not include non-salary fringe benefits.										

NOTE: Personnel costs are based on average salaries paid to Agency employees in 1992 dollars, and do not include non-salary fringe benefits.

H. Conclusion

26. The recommendations in this report will considerably improve the efficiency, timeliness, quality, and responsiveness of CIA's information release programs. Augmenting Directorate and component resources will eliminate a number of existing delays and bottlenecks. In addition, establishing a centralized management structure will improve the review of the adequacy of component records searches and achieve better coordination of release decisions across components and between the various information programs. This, in turn, will facilitate the handling of important and complex cases and improve CIA's ability to respond in a more timely and complete manner to significant Congressional, law enforcement, and media requests.

I. Requests for Approval

27. Recommendation #1. The DCI should issue an openness statement such as that at Tab 1. This statement should be reviewed and reissued periodically. In addition, CIA's commitment to full compliance with information disclosure laws should be incorporated into Agency regulations. This recommendation is

Approved: _____

Disapproved: _____

28. Recommendation #2, that the system described in paragraph 21 of this report and further described in Tab 2 should be established to centrally manage CIA's information release process, is

Approved: _____

Disapproved: _____

a. The staff of the Publications Review Board, now in the Office of Public and Agency Information, should be moved into the new Information Release Policy Staff.

Approved: _____

Disapproved: _____

b. The Historical Review Group, now in the Center for the Study of Intelligence, should be moved into the new Information Release Policy Staff.

Approved: _____

Disapproved: _____

29. Recommendation #3, that Directorate and component resources be augmented as described in paragraph 22 of this report and further described in Tab 3, is

Approved: _____

Disapproved: _____

30. Recommendation #4, that the procedural changes to CIA's FOIA, Privacy Act, and mandatory declassification processing described in paragraph 23 of this report and further described in Tab 4 be made to CIA's information release process, is

Approved: _____

Disapproved: _____

31. Recommendation #5, that CIA's regulations be revised, internally coordinated, and submitted to the Executive Director for approval within 30 days of the adoption of this report, is

Approved: _____

Disapproved: _____

DCI Openness Statement

I have established a policy of greater CIA openness to make CIA and the intelligence process more visible and understandable to the American public. This policy stems from my fundamental belief that CIA should be accountable to the American people, both directly and through Congress, as an organization comprised of talented people of integrity who have a critical role in supporting national security policymakers in a complex and often dangerous world.

One way CIA is accountable to the American people is through the information disclosure provisions of various laws, most notably the Freedom of Information Act (FOIA) and the Privacy Act. These laws reflect an inherent democratic ideal; in the words of the Supreme Court: "The basic purpose of [the] FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed."

At the same time, however, the goal of achieving an informed citizenry may sometimes conflict with other important public interests, such as protecting the national security. Recognizing this tension between the need for an open government and the need to keep certain government information secret, these laws also permit government agencies to withhold information if it falls within certain defined categories. The ability to protect information, particularly as it concerns intelligence sources and methods, enables CIA to continue to fulfill its lawful mission.

While mindful of my statutory and other obligations to protect intelligence sources and methods, I am committed to fulfilling the letter and spirit of laws favoring the disclosure of government information to the extent possible. With this important disclosure duty in mind, I established the Task Force on Procedures for the Public Release of Information Under FOIA, Privacy Act, and Other Programs to study the Agency's public release programs with a view toward increasing their responsiveness, efficiency, and consistency. I have reviewed the Task Force's report and ordered the adoption of its recommendations. I have directed the deputy directors and the heads of independent offices to enforce the openness policy and to identify resources to support this effort. I also have directed that the Agency's information release programs be reviewed within 18 months after the adoption of the report to determine how well the Task Force's recommendations have been implemented and how well the programs are working.

Robert M. Gates
Director of Central Intelligence

Centralized Management Structure

1. A Chief of Information Release Policy (C/IRP) should be appointed to manage all of the Agency's information release programs, including requests in the context of investigations and litigations. C/IRP will:

a. Ensure that the correct components are tasked to conduct records searches and reviews, and that adequate searches are conducted.

b. Set component review priorities and deadlines for review responses.

c. Confirm that document release decisions are correct and consistent.

d. Resolve administrative policy issues.

e. Chair regular meetings of the Agency Review Group (ARG) to discuss specific cases and to resolve processing issues.

f. When necessary, request and gain access to information relevant to an authorized information release request.

g. Exercise discretion to raise substantive and procedural issues for resolution by the Information Review Committee.

h. Report requests of particular importance and/or complexity to the Executive Director and to the ARG, and support the representative of the Information Review Committee (IRC) appointed to coordinate CIA's response.

i. Review all file designation recommendations made to the DCI pursuant to the CIA Information Act and establish procedures to recommend the removal of files from designated status.

j. Survey existing Agency systems of records to determine if they fully comply with the requirements of the Privacy Act.

k. Work with the ARG to prepare annual budgetary and planning reports for all information release programs.

l. Oversee the administrative operations of the Information Release Policy Staff.

2. C/IRP will report to the Executive Director. He or she will have a staff (Information Release Policy Staff) consisting of:

a. Administrative processors to receive requester correspondence, to release information, and to maintain the data base of previously released information.

b. A Legal Advisor.

c. A Publications Review Group.

d. A Historical Review Group.

e. A team to superintend the search process (the Quality Search Team or QST).

f. A team to superintend the review and release process (the Quality Review Team or QRT).

3. The administrative processing functions of the Staff will essentially be those currently performed with respect to FOIA, Privacy Act, and mandatory declassification requests by the Information, Privacy, and Classification Review Division in the Directorate of Administration. (In addition to these programs, however, the processors also will handle requests from other Agency components, such as OGC and OCA.) There will be separate processing queues for infrequent FOIA requesters with simple requests, infrequent FOIA requesters with complex requests, and serial FOIA requesters. The Information and Privacy Coordinator will head the Staff's Customer Services and Processing Group.

4. The Office of General Counsel will assign a Legal Advisor to the Staff, on rotation in a full-time position provided by the Staff. The Legal Advisor will provide legal advice as required to C/IRP, the Staff, and reviewers. Litigation in these areas will continue to be handled by OGC/Litigation Division, and the Legal Advisor will primarily focus on legal issues arising from administrative processing.

5. The Publications Review Group will consist of the staff currently assisting the Publications Review Board that is now located in the Office of Public and Agency Information. No new full-time positions are required. The Group should continue to perform the same functions as the current Board staff, and the Board should continue its current functions with the same personnel structure. The Chairman of the Board should be the Chief of the Group.

6. The Historical Review Group will be comprised of the staff currently comprising the Historical Review Group (HRG) in the Center for the Study of Intelligence; no new full-time

positions are required. The Group should continue to perform the functions currently performed by the HRG without change.

7. The Quality Search Team (QST) will be the institutional mechanism to ensure the adequacy of Agency records searches. It should be composed of a senior officer from each Directorate and the DCI area on rotation to the Staff who is experienced in search strategies and component records systems. Given its experience, the QST should be a resource to be drawn upon by the components when responding to important or complex cases or when time pressures are particularly severe. In addition, the QST should conduct periodic audits of previous searches in order to make suggestions for improvement to the ARG. The QST should review all appeals challenging the adequacy of a search. Finally, the QST should study Agency records issues and make recommendations for consideration by the ARG, endorsement by C/IRP, and approval by the Agency Information Management Officer. Topics of concern identified by the Task Force include ensuring that faxes and electronic records are properly captured in information systems so that they can later be retrieved.

8. The Quality Review Team (QRT) will be established to ensure consistent implementation of the DCI's openness policy. It should be composed of a senior officer nominated by each of the Directorates and the DCI area on rotation to the Staff. With respect to initial requests, it should conduct three types of reviews: (a) a representative sampling of requests; (b) requests presenting unique or complex processing or legal issues; and (c) important or complex requests. It also should handle all FOIA, Privacy Act, and mandatory declassification appeals. The QRT should process all administrative appeals under the FOIA, PA, and MDR. Problems identified by the QRT may be raised for consideration by the ARG.

9. The ARG should be the Agency's intra-agency coordination and advisory group for information release issues. It should be chaired by C/IRP and be composed of the IROs from each Directorate and the DCI area and representatives from PAI, OGC, OCA, the HRG, and the PRB. The Group Chief of the Policy and Appeals Group of the Information Release Policy Staff should be the Executive Secretary to the ARG. The ARG's functions should be to:

- a. Serve as a working group to assist the representative of the IRC appointed to oversee CIA's responses to important or complex cases. In this context, it should coordinate the IRC's response to certain significant Congressional investigations, law enforcement investigations and litigations, or media inquiries.

- b. Advise C/IRP on substantive policy issues identified by him, the QST, or the QRT.

c. Assist C/IRP in developing annual budgeting and planning proposals for Agency information release programs.

d. Meet at least on a monthly basis to discuss cases and processing issues.

e. Frame significant issues for consideration by the IRC.

10. The IRC's functions and composition will be considerably expanded. As it is currently constituted, it is chaired by the DDA and is composed of the DDS&T, DDI, and DDO. Its function is limited to reviewing and setting Agency policy and deciding appeals with respect to FOIA, Privacy Act, and mandatory declassification review requests.

a. It should be chaired by the Executive Director. The General Counsel, D/OCA, and D/PAI should be added as members. C/IRP will be the Executive Secretary to the IRC. In addition, for significant matters with Intelligence Community implications, the Executive Director for Intelligence Community Affairs may be asked to participate.

b. It should be responsible for setting policy with respect to all Agency information release programs and should become the Agency's senior panel for dealing with important or complex cases. To handle the latter, the Executive Director will appoint a representative of the IRC from the most relevant component to be responsible for handling the matter with C/IRP support.

c. It should weigh competing requests for CIA information, and resolve disputes over review priorities.

d. It should resolve disputes concerning CIA release decisions.

11. In the case of an important or complex matter, the process would work as follows:

a. If it is appropriate that an IRC member should take the lead in the case, the Executive Director would direct that member to appoint a crisis manager to take charge of the case.

b. The crisis manager would have the services of C/IRP and his Staff to ensure that institutional memory and experiences from prior cases are brought to bear.

c. C/IRP would task components to search and ensure the adequacy of the search, using the QST, and the adequacy of the review, using the QRT.

d. The crisis manager would meet on a daily basis, or as required, with the ARG to discuss the search strategy, resolve review issues, and to coordinate on proposed releases.

e. C/IRP will ensure that all information released is properly recorded.

f. Policy issues that arise requiring review at a more senior level will be raised with the IRC. Upon resolution, the crisis manager, with the assistance of C/IRP, will implement decisions.

**Augmentation of
Directorate and Component Resources**

1. Several problems with the Agency's information release system must be addressed at the Directorate and component levels. For the most part, changes at these levels can be implemented by reallocating existing resources, although a few changes (such as creating assistant Information Review Officer (IRO) positions) would entail new positions. Before providing specific recommendations for each component, it is useful to describe in general the functions performed and to discuss how the Agency will continue to ensure that skilled persons are available to perform these functions.

A. Ensuring the Availability of Required Skills

2. Increasing or reassigning staff alone will not make the system more efficient; it is important that personnel have the proper skills and experiences and that consideration be given to ensuring the continued availability of people with these skills. With the exception of having IROs in each Directorate and the DCI area, there is no uniformity across the Agency in terms of the qualifications necessary at each stage of the process. To conduct reviews, for example, some components employ Information Management Officers (IMOs), executive officers, or administrative assistants, while others use secretaries, dedicated component referents, desk officers, analysts, or professional reference officers.

3. There are four main stages of the process: (a) search strategy and tasking, (b) record search and retrieval, (c) initial substantive review, and (d) supervisory review and quality control.

a. *Search strategy and tasking.* This function requires experienced officers who can determine which Agency components are likely to possess responsive documents. Currently, the Information, Privacy, and Classification Review Division/OIT (IP&CRD) tasks the Directorates and the DCI area. The IROs may review the IP&CRD tasking and either amend it by indicating that their particular components or Directorate would not maintain responsive documents, or by indicating that additional components or Directorates should be tasked. There currently are six, soon to be nine, IP&CRD personnel at an average GS-13 level formulating the search strategy and the tasking. To properly do this job (which will be carried over into the new Customer Services Branch (CSB) of the Information Release Policy Staff), a person needs to be relatively senior and experienced; have a broad understanding of the Agency, its mission, and the responsibilities of the various Directorates and components;

have a detailed understanding of the various records systems; and have good communication and personal relations skills.

* While OIT is currently supplying qualified people for these positions, C/IRP should rotate into the CSB officers with component experience. The Agency would be well served by giving people from the components experience in processing information disclosure requests, having them apply their component background to the administrative process, and having these people carry processing experience back to the components.

b. Record search and retrieval. The record search and retrieval function is essential, not only for FOIA/Privacy Act purposes, but also for responding in a thorough, timely, and forthcoming manner to the courts, the Congress, other federal agencies, and the media. A centralized and automated information system is most conducive to efficient, timely, and effective searches. The trend in the Agency, however, appears to be toward further decentralization of records, which may hamper future search efforts. The Information Services Task Force should review whether a new information system architecture is needed. At the minimum, management needs to prevent the problems the Agency has experienced in locating paper records from being magnified in an electronic environment. In the meantime, however, it is critical that components devote the resources required to ensure that proper searches are conducted. CIA needs to be sure that adequate searches have been conducted and that all responsive records have been located and produced for review.

* So long as records systems remain decentralized, searches must continue to be performed by Directorate and component personnel most familiar with their unique system (either paper or electronic). These people must have sufficient experience to understand the component records systems, how records are stored, and where records can be found. Except where there is a centralized search capability such as in the DI, these persons should continue to come from the component registries and the ranks of IMOs and senior secretaries. Component referents should be responsible for ensuring that this function is performed properly and should be required to report to their respective Directorate IROs, within six months of the date this report is approved, additional steps taken to ensure the adequacy of searches. The IROs, in turn, will promptly report to the ARG.

* With the trend toward distributed (rather than centralized) PC-based LAN computer systems, it is necessary to build into the system electronic filing capabilities, opaque to the user, which will ensure that records are properly filed and indexed for later retrieval. The Information Services Task Force should ensure that CIA has a comprehensive and thorough search capability.

c. *Initial substantive review.* This function is necessary to determine document releasability and requires personnel with the appropriate substantive background, training, and experience to make the initial decisions as to what can be released and what must be withheld. Reviewers must be familiar with the openness policy in addition to the variety of exemptions available to protect information.

* C/IRP, in conjunction with the Directorate IROs, must ensure that reviewers receive proper training to be fully conversant with the legal requirements of government information disclosure laws and the DCI's openness policy. See paragraph 5 of this Tab on training.

d. *Supervisory review or quality control.* This function requires officers with broad substantive and organizational experience, excellent communication and managerial skills, and sound judgment who are authorized by their components to make release decisions. At the Directorate level, this function is performed by the IROs (GS-15). Currently, the DA/IRO, the DCI/IRO, and the DS&T/IRO are OIT careerists and have IMO and other duties that compete with their IRO responsibilities. The DI/IRO and the DO/IRO have component backgrounds.

* The Directorates and the DCI area must pay careful attention to selecting future IROs with the proper information management background and specialized knowledge unique to the components they are to serve. This is particularly important with respect to the IROs from the DA, the DCI area, and the DS&T because, unlike the more homogeneous DI and DO (at least in function), the components in these areas have widely divergent needs and characteristics. Accordingly, the Deputy Directors in these three areas should groom future IROs by rotating them through the various Directorate components that they eventually will serve.

B. Delays and Bottlenecks

4. The increased volume of requests--primarily FOIA and PA requests, criminal and congressional investigations, and litigations--over the past several years generally without a concomitant increase in resources has led to delays and bottlenecks in the system. In particular, litigations and investigations frequently delay routine FOIA and Privacy Act processing at the Directorate IRO level because there is no one else to handle the workload.

* To ensure that all requests, including routine FOIA and Privacy Act requests, get processed even in the face of major investigations and litigations, separate queues should be established for different types of requests. To carry this out, additional personnel should be assigned in the form of Assistant IROs who will be dedicated to facilitate the review of certain kinds of requests. The number of Assistants required and the scope of their assignments will vary depending upon the workload.

* Where not already present, each DI, DS&T, and DA office and each DCI component should have a senior focal point ("component referent") appointed in consultation with the IRO whose primary (but not necessarily full-time) responsibility is to process requests under information release programs.

1. Directorate of Intelligence. There are three major bottlenecks in the DI: the DI/IRO office,¹ records retrieval from the Records Center, and the Office of Information Resources.

a. DI/IRO Office. The DI/IRO is responsible for receiving requests from IP&CRD, OGC, OCA, and others to determine appropriate processing. The DI/IRO tasks appropriate DI offices and staffs to search for responsive records. Searches in the DI typically begin with OIR. Records retrieved by the DI offices and staffs generally have already been substantively reviewed before the DI/IRO receives them. Records

¹There are no bottlenecks within the DI offices responsible for initial substantive review of responsive records. There are 12 offices and three staffs within the DI that have Freedom of Information Act, Privacy Act, and Mandatory Declassification Review (FOIA/PA/MDR) referents who coordinate activities within the respective components. When OIR is tasked to conduct searches for the Directorate, however, the search and retrieval backlog at the Records Center affects the ability of the Directorate to process cases in a timely fashion.

retrieved by the Document Library, however, have not been substantively reviewed or reviewed for actual responsiveness except for the records from the historical data bases. The DI/IRO reviews these documents for responsiveness and then refers them to the originating component for substantive review. Frequently, the DI/IRO must coordinate the documents with more than one DI office. The DI/IRO reviews responses to ensure consistency and to ensure that withholdings are proper. The DI/IRO resolves problems with the particular offices or the referents. When all components tasked in a particular case have responded, the DI/IRO compiles the Directorate's response and forwards the determinations to IP&CRD. The DI/IRO also is responsible for reviewing all appeal cases involving the DI and requests for information in litigations and investigations in response to tasking from OGC, OCA, and the Office of Inspector General.² There is a six-month backlog in the DI/IRO office.

The DI/IRO (GS-15) is, currently assisted by two independent contractors (one consultant and one review officer, both working part-time hours amounting to 0.6 Full-Time Equivalent with the equivalent of a GS-15 salary each), two professional information resource officers (one a full-time GS-11, but assisting the DI/IRO only part-time, and the other a part-time GS-11), and one administrative assistant (a full-time GS-8). Each Office and staff in the DI has a FOIA/PA/MDR referent (GS-11 to GS-15) who coordinates activities within his component. All of these individuals handle FOIA/PA/MDR matters as an ancillary rather than as a primary duty.

* Two Assistant DI/IROs (GS-14) and a GS-11 working part-time hours amounting to 0.5 FTE should be appointed to handle FOIA/PA/MDRs, leaving the DI/IRO to handle investigations, litigations, and appeals. This would reduce the DI/IRO review backlog by half to three months. After one year, the GS-11 can be reassigned.

²DI/IRO support to investigations and litigations has at times brought FOIA/PA/MDR processing to a complete halt in the DI. Five years ago, approximately ten percent of the DI/IRO's time was spent supporting investigations/litigations; today, sometimes 80 percent of the incumbent's time is spent in support of such efforts. These demands, accompanied by the increased volume of FOIA/PA/MDR requests received by the Agency, have contributed to the DI backlog.

* The component referents should have as their primary (but not necessarily full-time) duty the processing of information requests. These referents, as well as the analysts conducting the reviews, should be fully trained so their substantive reviews are adequate and secondary reviews are less time consuming for the DI/IRO staff.

b. OIR Records Retrieval at the Records Center. Currently, there is only one full-time employee (GS-9) at the Records Center who is responsible, not only for DI searches and retrievals pursuant to FOIA and Privacy Act requests, but also for searches with respect to investigations, litigations, and requests for information from other CIA Offices and staffs. There is a one-year retrieval backlog.

* Add three additional GS-9 Full Time Positions (FTPs) to the Records Center (creating a second shift if necessary) to search for and to retrieve records. This would cut the backlog from one year to six months. After one year, two of the GS-9s can be reassigned.

* Dedicate at least one of the additional persons to work on FOIA/PA/MDR requests and another to work on investigations and litigations. This would eliminate the delays to FOIA/PA/MDR requests resulting from investigations and litigations.

c. OIR. OIR conducts searches and retrieves records. The recent switch from indexed to full-text records systems has greatly increased the requirement for full-text searches.

* Assign one additional GS-11 FTP to conduct on line full text records searches.

2. Directorate of Operations. There are three major bottlenecks in the DO: the DO/IRO office,³ the Initial Review Branch (both at the initial review level and the supervisory review level), and the Litigation Support Staff.

³Significant backlogs do not exist in the Information Management Staff (IMS)/Processing Section (where the subject matter is searched, researched, copied and put on a "ready" shelf for review) or in the IMS/Appeals and Litigation Support Branch (where appropriate appeal reviews are conducted and assistance is provided to OGC attorneys and paralegals).

a. DO/IRO Office. The DO/IRO (GS-15) is responsible for the final Directorate review of all information to be released. The identified weakness in the DO's system is that all cases are funneled through the DO/IRO before releases are made. Although this arrangement provides consistency and continuity, there is a ten-month backlog in the DO/IRO office.

- * Reduce the Initial Review Branch (IRB) by two GS-11 FTPs and create two FTPs in the DO/IRO office as Assistant IROs (GS-13). This would reduce the DO/IRO backlog from ten to about three months.

- * Dedicate at least one person at the DO/IRO level to work on FOIA/PA/MDR requests and another to work on investigations and litigations. This would eliminate the delays to FOIA/PA/MDR requests resulting from investigations and litigations.

b. Initial Review Branch. The IRB is located in the Information Management Staff and is responsible for conducting initial reviews of FOIA/PA/MDR requests. This Branch has a staff of 12 (average GS-11 level) to conduct initial reviews. There are also four IRB supervisors (chief, deputy chief, senior analyst, and independent contractor) at an average GS-13 level. There is a three-month backlog for the initial review and a one-to-two month backlog for supervisory review.

- * Dedicate 10 FTPs in the IRB for initial reviews. While the loss of two people in IRB may initially increase the FOIA/PA/MDR backlog there, additional FTPs at the DO/IRO level would decrease the overall DO backlog to three to four months.

c. Litigation Support Staff (LSS). The LSS currently is located in the Information Management Staff (although there are discussions to relocate it or to merge its functions with another area). LSS is responsible for facilitating DO records searches and conducting records reviews to support the Office of General Counsel in non-FOIA/PA litigations and investigations and in crimes reporting. Recently, it has decreased from five to two employees. Efforts are underway to return to the allotted strength of four FTPs.

- * It is critical that this Staff (or its functional equivalent) be able to provide timely, accurate, and complete information about DO records to the Office of General Counsel so that

investigation and litigation positions can be coordinated with other DO components. The Staff should be brought to its authorized level of four FTPs as soon as possible.

3. Directorate of Administration. Backlogs exist in some DA components,⁴ and some additional assistance may be needed in the DA/IRO office.

a. DA/IRO Office. All FOIA/PA/MDR requests received in the DA/IRO office are reviewed to determine the subject and scope of the request and are then tasked to the appropriate office/offices within the Directorate. When the cases are completed in the Directorate Offices, they are returned to the DA/IRO for review and consolidation into a single Directorate response to IP&CRD. The DA/IRO reviews redactions, denied documents, internal Directorate coordinations and referrals, external coordinations and referrals, and makes additional redactions as needed. About 85 percent of the Directorate's workload is responding to Privacy Act requests and appeals and 12 percent responding to FOIA requests and appeals. Other DA/IRO responsibilities include the handling of MDRs, Equal Employment Opportunity case material, historical documents that contain DA equities, information management duties, and litigations/investigations. In the DA/IRO office, there is one DA/IRO (GS-15), one assistant IRO (GS-14), one secretary (IS-2) and one independent contractor (equivalent to a GS-14) working two days a week. Overall, there is a two-month backlog.

* Increased component efficiencies could create bottlenecks at the DA/IRO level. To prevent this, the DA/IRO should be given additional assistance as needed--which we estimate will require assigning one additional GS-14 (or the contractor equivalent) to work part-time hours amounting to 0.6 FTE.

b. Office of Security (OS). There are five full-time employees (average GS-12 level) working on

⁴Office of Medical Services, Office of Training and Education, Office of Financial Management, Office of Logistics, Office of Information Technology, and Office of Communications all have less than a three-month backlog with personnel working only part time on FOIA/PA/MDR matters. Additional staff would be needed to further reduce existing backlogs.

FOIA/PA/MDR matters. The backlog is sometimes as high as 12 months.

* Assign one additional full-time employee (GS-11) to help reduce OS' FOIA/PA/MDR backlog to three months. (Alternatively hire the equivalent of one full-time appropriately skilled independent contractor at a GS-11 level).

b. Office of Personnel (OP). There is one full-time employee (GS-11) working on FOIA/PA/MDR matters and a six-month backlog.

* Assign one additional full-time employee (GS-11) to reduce the FOIA/PA/MDR backlog to three months. (Alternatively hire two part-time appropriately skilled independent contractors equivalent to a GS-11 level.) Once the backlog has been significantly reduced, the full-time employee may be cut back to part-time (or one part-time independent contractor may be reassigned elsewhere).

4. Directorate of Science & Technology. There are bottlenecks in the DS&T/IRO office and several components.⁵ In addition, DS&T records systems are not organized so as to take advantage of the exemption from FOIA search and review offered by the CIA Information Act. Consequently, much processing time is spent unnecessarily.

* At least one person in each Office should have the primary (but not necessarily full-time) responsibility of managing Office review. If, in the discretion of the Office, review takes place within its Branches and Divisions, the referent for the Office will be responsible for overseeing that review. If the Office prefers that the review take place at the Office level, the referent will conduct that review. In addition, DS&T should clarify, in conjunction with OGC, the structure of its records systems so as to appropriately implement the exemption from FOIA search and review provided in the CIA Information Act and thereby reduce the amount of time spent searching for and reviewing files that already are exempt.

⁵There are generally no backlog or staffing problems in the Office of Special Projects (OSP). A senior level official in OSP has been designated the focal point for FOIA/PA/MDR requests. This official is very knowledgeable of OSP activities and is able to easily process the few requests OSP receives.

a. DS&T/IRO Office. The DS&T/IRO office is responsible for tasking the components to conduct the searches for and reviews of responsive information, reviewing release determinations made by the components, and providing release determinations to IP&CRD. The DS&T/IRO also is responsible for providing assistance in investigations and litigations and conducting reviews pursuant to HRG and PRB. There is one DS&T/IRO (GS-15) and a part-time secretary (IS-2) for this office. Given the IRO's multiple duties (including registry functions and the development of automated systems), he is able to devote only 60 percent of his time to IRO-type functions. There is a nine- to ten-month backlog in the DS&T/IRO office.

- * The DS&T/IRO should devote 100 percent of his time to IRO-type functions, reassigning other duties.

- * Assign an additional part-time appropriately skilled assistant (GS-13) to the office to work three days a week. Instead of part-time hours amounting to 0.6 FTE in the DS&T/IRO office, there would be part-time hours amounting to 1.6 FTE, and this would reduce DS&T/IRO's backlog to two or three months.

b. Offices of Research and Development (ORD), Technical Service (OTS), and SIGINT Operations (OSO). There are FOIA/PA/MDR backlogs of six months in ORD and nine months in OTS and OSO.

(1) ORD. The focal point in ORD is the Admin/Support Officer (GS-14) who handles FOIA/PA/MDR requests as an ancillary duty, constituting five percent of his time.

(2) OTS. A part-time OTS careerist on the Management and Coordination Staff (GS-10) serves as the FOIA/PA/MDR focal point in OTS. This requires about 30 percent of his time.

(3) OSO. The IMO, an OIT careerist (GS-10), is designated the part-time focal point for FOIA/PA/MDR requests in OSO. Additional training is needed for this individual, who spends about 30 percent of his time on these matters.

- * Assign one appropriately skilled full-time employee (GS-13), replacing the current part-time staffers, each to ORD, OTS, and OSO. (The GS-14 in ORD and the GS-10s in OTS and OSO can be

reassigned.) They should work full time on FOIA/PA/MDR matters until the backlog has been significantly reduced. Thereafter, FOIA/PA/MDR requests will remain the primary, but not necessarily full-time, responsibility of these officers. For ORD, there will be an increase in part-time hours amounting to 0.95 FTE. For OTS and OSO, there will be an increase in part-time hours for each amounting to 0.7 FTE.

c. Foreign Broadcast Information Service (FBIS) and the Office of Development and Engineering (OD&E).

(1) An FBIS careerist (GS-11) is responsible for receiving and processing a large number of FOIA/PA/MDR requests in FBIS. This individual has a good basic understanding of the FOIA/PA/MDR process and a thorough knowledge of FBIS activities. There is a backlog of 18 months.

(2) In OD&E, its IMO (a GS-13 OIT careerist) serves as part-time focal point for FOIA/PA/MDR requests. There is a backlog of 15 months.

* Assign two additional appropriately skilled personnel (GS-10) to FBIS and two to OD&E to work on FOIA/PA/MDR matters on a full-time basis to reduce the backlogs in these Offices; once the backlogs have been significantly reduced, one officer from each Office may be reassigned elsewhere.

* Within six months from the date this report is adopted, the DS&T/IRO should report to the Agency Review Group on the feasibility of eliminating the need for FOIA/PA/MDR processing in FBIS by publishing FBIS reports on line through the National Technical Information Service.

d. National Photographic Interpretation Center (NPIC). An NPIC careerist (GS-13), who serves as the IMO, also serves as the focal point to distribute FOIA/PA/MDR requests to the responsible components. All FOIA requests sent to NPIC are reviewed by Special Control Officers, who are well qualified to make substantive decisions on the release or denial of information but require training on procedural aspects of information release programs. There is a six-month backlog.

* Formally train Special Control Officers who are making the release determinations on the

legal, policy, and administrative aspects of FOIA/PA/MDR requests.

5. *Director of Central Intelligence Area.* There are bottlenecks in the DCI/IRO office and some components.⁶

a. *DCI/IRO Office.* The DCI/IRO is responsible for reviewing incoming requests and determining those DCI areas to be tasked to complete searches,⁷ reviewing component responses for responsiveness and release determinations (consistency and proper withholdings pursuant to FOIA/PA/MDR), resolving problems with the components and coordinating documents, and finally compiling component responses to respond to IP&CRD. The DCI/IRO reviews all FOIA/PA/MDR appeals, coordinates with the components if required, and presents the case to the Executive Director for approval. The DCI/IRO is also responsible for reviews under the HRG, investigations, and litigations. In addition, the DCI/IRO serves as the CIA Deputy Executive Secretary and the DCI area IMO. Approximately 65 percent of the incumbent's time is spent on IRO-type functions. Currently, the DCI/IRO staff consists of the IRO (GS-15) and a part-time (two days per week) independent contractor (equivalent to GS-15). There is a backlog of six months.

- * The DCI/IRO should devote 100 percent of the time to IRO-type duties (reassigning the Deputy Executive Secretary and IMO duties).

- * An additional appropriately skilled full-time employee (GS-14) should be assigned to assist the DCI/IRO.

- * As with all other DCI area components, the DCI/IRO should task OGC directly.

⁶Significant backlogs do not exist in the Arms Control Intelligence Staff (ACIS), National Intelligence Council (NIC), Community Management Staff (CMS), Office of Equal Employment Opportunity (O/EEO), and Office of the Comptroller (O/COMPT).

⁷IP&CRD currently tasks OGC directly. DCI/IRO tasks all other DCI components (ACIS, NIC, CMS, O/EEO, O/COMPT, OIG, CSI, PAI, and OCA). Requests that involve the Office of the DCI records are handled by the DCI/IRO with the support of the Executive Registry.

b. Office of Inspector General (OIG). OIG has one employee (GS-12) working 33 percent of the time on FOIA/PA/MDR matters. The FOIA/PA/MDR focal point conducts searches but defers release determinations to OIG counsel. There is a four-month backlog.

* An additional GS-12 should be assigned to work part-time hours amounting to 0.8 FTE. This would reduce the backlog to one or two months.

c. Office of Public and Agency Information (PAI). PAI has one employee (Executive Secretary to the PRB, GS-14) working part time on FOIA/PA/MDR requests.⁸ There is a six- to nine-month backlog. If the Information Release Policy Staff (IRPS) is established, this employee would no longer be doing FOIA/PA/MDR work for PAI.

* Assign a GS-13 FTP and an additional GS-11 to work part-time hours amounting to 0.5 FTE. This would take care of PAI's FOIA/PA/MDR work and reduce the six- to nine-month backlog to less than three months.

* Although PAI is not normally involved in records review, there are three ways it is involved in the review process: (a) it can help lift the burden on the system by responding to requests for information that can be located quickly and easily without burdening the FOIA or Privacy Act queues, (b) it should be part of intra-agency coordination efforts so that press releases can be prepared ahead of time when material on important issues is proposed for release, and (c) it must record its releases in a

⁸PAI releases information to the public in several ways. Besides releases pursuant to FOIA/PA/MDR, it distributes CIA press releases and copies of public speeches by the DCI and DDCI. It provides public briefings to academic, civic, governmental, and military audiences. It responds to public inquiries and distributes unclassified material. It also arranges for media interviews of the DCI and DDCI, as well as briefings of journalists by Agency officers. In addition, it responds to questions asked by the news media representatives. By far, the largest amount of information that is processed by a component of PAI consists of manuscripts submitted by authors for classification review by the PRB. The PRB is responsible for the review of nonofficial writings, including scripts or outlines of planned oral presentations by current and former Agency employees.

central data base of officially released information.

d. Office of Congressional Affairs (OCA). OCA has one part-time employee (legislative specialist, GS-13) working 50 percent of the time on FOIA/PA/MDR requests and constituent mail.⁹ There is a backlog of nine months.

* Assign one additional employee (GS-11) to work on FOIA/PA/MDR requests part-time hours amounting to 0.6 FTE. The legislative specialist will continue to handle constituent mail. This would reduce the backlog to five months.

e. Historical Review Group (HRG). Whether or not the HRG is incorporated into a central administrative staff, it will continue to perform its current functions. The HRG was established as one element in the Agency's Historical Review Program to make significant historical information available to the public without damage to the national security. At present, the HRG has a chief, a senior secretary, and 17 reviewers (nine staff and eight independent contractors). As with the rest of the Agency's information release programs, HRG release decisions must be coordinated with other programs.

The Task Force had a number of concerns about the HRG:

- (1) That HRG should cite withholding authorities for its redactions.
- (2) That review by components of HRG determinations not impede their processing of other information requests.

⁹In addition to official FOIA/PA requests, OCA receives requests in the form of constituent queries. In the first six months of 1992, OCA received 55 inquiries from congressmen on behalf of their constituents. These inquiries ranged from a request for personnel records to complaints that previous requests are taking too long to process or have been previously denied. In addition to FOIA/PA/MDR processing, OCA responds to requests for information from the Hill from a variety of sources (individual members of Congress; staffers; and committees--not only from the oversight committees, but from an increasing number of committees with particular jurisdictional concerns). OCA also responds to requests for intelligence briefings for professional staff members.

(3) That release determinations by HRG and by other components on the same information in concurrent reviews not be inconsistent.

* Chief, Information Release Policy (C/IRP) should advise the HRG about matters that for public interest or other reasons should be considered for HRG review.

* The HRG should notify C/IRP of the nature and scope of historical material chosen for review and of its initial release decisions so that he may:

(1) Be aware of all processing demands upon the Directorates and the DCI area when setting their review priorities.¹⁰

(2) Raise any HRG decisions that affect other Agency release programs with the ARG for coordination.

* With respect to records HRG controls, C/IRP will continue to task the HRG for the processing of FOIA/PA/MDR requests, as well as for responding to information demands resulting from litigations or investigations. As with all other components, C/IRP will establish search and review timetables.

f. Office of General Counsel (OGC).¹¹ Retrieved documents are reviewed and processed by Litigation Division's paralegal staff (six full-time staff paralegals and three part-time staff paralegals (GS-9 to GS-13), and two independent contractors who work two to three days per week at an equivalent GS-12 salary). The staff paralegals work on FOIA/PA/MDR initial requests approximately 15 percent of their time. A

¹⁰Nothing in this report is intended to affect the 30-working-day deadline for Directorate and DCI area review of HRG initial release determinations as set forth in HR 70-14.

¹¹Agency information or records are released through OGC in at least four circumstances not involving FOIA or the Privacy Act. These are: (a) responses to name trace requests (usually from the Department of Justice, including U.S. Attorneys' offices or the Federal Bureau of Investigation), (b) responses to discovery requests, (c) testimony of current or former Agency employees, (d) answers given in the course of investigations conducted by other government agencies.

final review is conducted by an OGC attorney (GS-15). At current staffing levels, it would take seven to nine months to clear the existing backlog of initial requests. The review of OGC records on appeal is conducted by the paralegal staff and approved by an attorney.

- * Assign one additional full-time paralegal (GS-9 to GS-12 or the contract equivalent) to process initial FOIA/PA requests. This would eliminate the existing backlog of initial requests.

OGC attorneys and paralegals also process FOIA/PA appeals of all Agency records, including appeals of decisions on OGC records. There is a five-month backlog.

- * Allocate the equivalent of one full-time attorney to handle appeals. (This will effectively be achieved through the Legal Advisor to the Information Release Policy Staff who will review appeals decided by the Quality Review Team.)

C. Training

5. Achieving CIA's goals of improving the efficiency, consistency, timeliness, and responsiveness of its information release programs will require a better trained work force. Training should serve three functions: (a) instruct processors and others about the mechanics of processing, (b) give employees new to the program an overview of the system, and (c) provide more experienced employees with periodic updates on administrative and substantive policy decisions, as well as recent legal developments. Training should be focused and address the unique needs of the component employees being trained. In addition, senior officers in the system should receive training on preparing annual budgetary and planning proposals for the Executive Committee.

Currently, there is insufficient training for personnel working on Agency release programs. What exists is mainly ad hoc and on-the-job training for IMOs, IROs, reviewers, and processors.

- * C/IRP should develop a comprehensive training plan in consultation with the ARG and OTE for approval by the IRC within six months of the adoption of this report.

- * OTE should take the lead in identifying external training opportunities and the utility of using outside

speakers and trainers to address Agency groups. OTE should generate a list of available training inside and outside the Agency (for example, Department of Justice, American Society of Access Professionals, or American Civil Liberties Union) and periodically distribute the list to C/IRP and ARG members for further dissemination.

- * The ARG, Legal Advisor, and Customer Service Branch should offer periodic seminars and possibly off-sites for personnel it deems would benefit from such training.

- * Training opportunities will naturally occur throughout the review process, and the Agency should, where feasible, encourage senior officers to mentor more junior officers. In particular, having senior Quality Review Team (QRT) reviewers interact with component reviewers during the QRT process will provide less experienced officers with valuable hands-on training.

**Procedural Changes In
The FOIA, Privacy Act, and Mandatory
Declassification Programs**

1. In addition to the structural changes at the corporate, Directorate, and component levels that will improve the consistency of CIA's information release programs, several changes to Agency procedures will improve the responsiveness, efficiency, and timeliness of the processing system. These address a number of the concerns raised by outside groups, such as the American Civil Liberties Union and The National Security Archive.

A. Initial Contact with Requesters

2. Certain procedural changes are designed to address three basic concerns expressed to the Task Force by outside parties: requesters want to know where their requests fall in the queue, when they can expect a response, and their fee status.

* The Data Services, Registry, and ORIS (DS,R&O) Branch of the Information Release Policy Staff upon receipt of an external private request will immediately send a form letter acknowledging¹ receipt of the request. A pamphlet (to be developed) should be enclosed with this letter for new requesters and others as appropriate describing CIA's information processing system, the exemptions commonly claimed, withholding authorities, and the appeals process.

* The Customer Services Branch (CSB) can increase efficiency and lower costs by sending postcards rather than letters to advise requesters that their requests have been accepted. The postcards will tell the requester: (1) the number of requests received prior to their request that have yet to be completed, (2) the median response time and the semi-interquartile range for response times from the previous year, (3) their fee status and, if applicable, estimated fees, and (4) the telephone number of a "FOIA/Privacy Hotline" for status inquiries.

B. Focusing Requests

3. Requesters would like to know how to focus their requests to get the information they "really" want.

¹Acknowledgement indicates only that CIA has received a request. Acceptance means that CIA has resolved all outstanding issues and will begin to process the request.

* Except for requests that are precise or "my file" FOIA or Privacy Act requests, CSB will call requesters whenever possible to clarify the scope and time frame and deal with ambiguous requests. Agreements reached will be confirmed in writing.

* To the extent possible, CSB will provide access (electronic or otherwise) to CIA's Officially Released Information System (ORIS) index, or the full text of officially released information, to assist requesters in framing their requests.

C. Fees

4. Requesters are concerned about the Agency's fee determinations, as well as how long it takes to resolve that issue.

* In order that contesting fee issues with requesters not absorb more Agency resources than the amount of money at stake, CSB will adopt as liberal a fee policy as possible, consistent with applicable law.

D. Follow-Up Contact with Requesters

5. Requesters are concerned that their requests have vanished into a "black hole" and they remain in the dark as to whether processing has begun or whether CIA has encountered processing problems.

* The Agency's current system does not permit it to determine where in queue the request is, but CSB should send periodic notices to advise that requests are still being processed, and inform requesters how many components were tasked, how many components have responded, and how many are outstanding. In so doing, CSB should ensure that the requesters are still interested in receiving the information.

* In appropriate cases, CSB should offer to meet, or at least discuss, with interested requesters their specific problems or concerns.

* CSB should put an officer on duty for limited phone inquiries--"FOIA/Privacy Hotline"--with a public phone number to answer questions relating to case status and fee issues.

* There should be separate processing queues for infrequent FOIA requesters with simple requests, infrequent FOIA requesters with complex requests, and serial FOIA requesters.

E. Interim Releases

6. Requesters do not like waiting for the entire request to be processed before receiving anything. Under the Agency's current system of multiple queues in multiple Directorates, true interim releases cannot be made until the last component weighs in on the request because there is always a possibility that a Directorate may want to assert a GLOMAR response.

* There should be at least three opportunities for interim releases before the processing of the request is fully completed. First, once the new ORIS system is in place, releases of previously released information should be made within ten days of receipt of a request. Second, when the Agency locates CIA records containing information originated by another federal agency and refers those records for review by that agency and return to CIA, CIA may respond to the requester directly on other records responsive to the request that did not require referral. Finally, release may be made of information approved for release by the Agency Review Group (ARG), even while other information responsive to the request may be sent forward for Information Review Committee (IRC) consideration. Under the system as recommended, such interim releases become possible through the Chief of Information Release Policy's (C/IRP's) establishment of search and review deadlines.

F. Document and Electronic Access

7. Requesters would like access to a reading room so they can browse through previously released documents and/or other material and gain access to requested documents. Some requesters also would like access to an electronic data base of previously released documents (with index capability).

* When planning for the new ORIS system, the Agency should explore the possibility of providing previously released information in (a) paper and/or (b) electronic form. These releases could be accomplished via reading rooms located at Federal Depository Libraries throughout the country or in Federal buildings in selected major cities. Consideration should be given to making electronic records available to requesters via modems to their personal computers or via terminals in reading rooms. At a minimum, the Agency should provide requesters with the ORIS index in paper or electronic format.

G. "Research"

8. Requesters would like to receive assistance when only a minimum amount of research is required. Under the FOIA, the Agency is required to search for "records" but is not required to

"research" a topic and produce a new record. There may be cases, however, in the Agency's discretion, where a little work to get the answers would save the system a great deal of work.

- * CSB should weigh the costs and the benefits of responding to certain types of requests that are looking for "information" rather than strictly "records."

- * CSB should obtain the assistance of the appropriate Agency offices, for example, OGC, PAI, OCA, or the Center for the Study of Intelligence to obtain such information for release.

H. Explanation of Withholdings

9. Requesters complain that they do not fully understand why information is withheld or redacted. They also misinterpret reasons for withholding (for example, they believe information was withheld for privacy or other reasons).

- * Develop a policy statement on the Agency's GLOMAR rationale and "mosaic theory" for validation by the IRC.

- * Develop new language for FOIA/PA denial letters explaining the exemptions claimed, the Agency's GLOMAR rationale and "mosaic" theory, the CIA Information Act, and the routine records destruction schedule so that they can be better understood by average requesters.

- * To the greatest extent practicable, when releasing redacted records, components should list the specific exemption for any withholding in the margin, and CSB should cross-reference it with an explanation in the response letter.

I. Previously Released Information

10. Requesters complain about the responses they receive from the Agency's ORIS data base. Specifically, they complain that they do not receive sufficient information regarding the prior treatment of the documents and are not given the right to appeal the prior determinations. IP&CRD has a backlog of one year in data entry into the ORIS system. Under the current ORIS, the data base can be either searched or updated, but not at the same time, and the backlog will not be reduced until an upgraded system is in place.

- * CSB will provide requesters in response letters with as many specific details about previously released information as possible.

* CSB will provide requesters in response letters the right to appeal withholdings in previously released documents and also documents previously denied in full. The ability of CSB to effectively respond will depend upon the availability of a new and enhanced ORIS system.

* ORIS will be periodically updated to include additional releasable information, and documents in which additional information has been released should replace earlier versions.

J. Substantive Reviews

11. Requesters would like assurances that CIA does not routinely withhold information at the initial stage that it will give up later in the appeal or litigation stage. Under the current system, substantive reviews are conducted at the Directorate and component levels; substantive expertise exists in the operating elements of the Agency. In most Directorates there are not separate mechanisms for independent substantive reviews of appeals.

* Initial substantive reviews under the FOIA, PA, and MDR will remain at the Directorate and component levels; however, a training program will be developed to train reviewers to apply the same standards at all stages.

* A Quality Review Team will provide substantive reviews of representative initial requests, important or complex cases, and appeals.

* Experienced reviewers should provide hands-on training for less-experienced reviewers. This approach could identify problem areas and serve a didactic purpose at the same time.

* Channels will be developed to ensure that appeals are not handled by the same people who handled the initial request. Such a system is in place in the DI and DO but not in the other Directorates.

K. External Referrals

12. External referrals currently are not handled in a timely manner. Third-agency referrals are a major source of processing delays.

* C/IRP should contact the agencies it most frequently deals with (Department of State, Department of Defense, and Federal Bureau of Investigation) to negotiate reciprocal arrangements to speed up processing.

L. Electronic Redacting Systems

13. The current manual redacting process is cumbersome, inefficient, inadequate, and outdated. Technology exists to electronically redact documents for release.

- * OIT should further study electronic redaction technology currently being used by the Department of State and Federal Bureau of Investigation and acquire "requirements documentation." OIT personnel also should study other electronic redaction technology available.

- * OIT should attempt to develop a prototype within the Agency of one or more of the different systems. A "test bed" will help to determine if an electronic redacting system would be cost effective for the Agency.

- * OIT should report to C/IRP within eight months of the adoption of this report on its progress with respect to electronic redaction technology.