



governmentattic.org

"Rummaging in the government's attic"

Description of document:	Central Intelligence Agency (CIA) Office of the Chief FOIA Officer records that discuss matters relating to FOIA, and/or its planning, budgeting, or implementation at the agency, 2007
Requested date:	7-January-2008
Released date:	13-November-2009
Posted date:	14-December-2009
Date/date range of document:	12-January-2007 – 01-October-2007
Source of document:	Information and Privacy Coordinator Central Intelligence Agency Washington, DC 20505 Fax: (703) 613-3007

The governmentattic.org web site ("the site") is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file. The public records published on the site were obtained from government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.

Central Intelligence Agency



Washington, D.C. 20505

November 13, 2009

Reference: F-2008-00712

This is a final response to your 7 January 2008 Freedom of Information Act (FOIA) request for **records in the Office of the Chief FOIA Officer of the Central Intelligence Agency, during the time period calendar year 2007 that discuss matters relating to FOIA, and/or its planning, budgeting, or implementation at the agency.** We processed your request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 431, as amended. Our processing included a search for records as described in our 21 February 2008 acceptance letter existing through the date of that letter.

We completed a thorough search for records responsive to your request and located the enclosed material which can be released in segregable form with deletions made on the basis of FOIA exemption (b)(3). Additional material was determined to be currently and properly classified and must be withheld in its entirety on the basis of FOIA exemptions (b)(3) and (b)(5). An explanation of exemptions is enclosed. You may appeal my decision to the Agency Release Panel, in my care, within 45 days from the date of this letter. Please include the basis of your appeal.

Sincerely,

A handwritten signature in cursive script that reads "Delores M. Nelson".

Delores M. Nelson
Information and Privacy Coordinator

Enclosures

Explanation of Exemptions

Freedom of Information Act:

- (b)(1) exempts from disclosure information currently and properly classified, pursuant to an Executive Order;
- (b)(2) exempts from disclosure information, which pertains solely to the internal personnel rules and practices of the Agency;
- (b)(3) exempts from disclosure information that another federal statute protects, provided that the other federal statute either requires that the matters be withheld, or establishes particular criteria for withholding or refers to particular types of matters to be withheld. The (b)(3) statutes upon which the CIA relies include, but are not limited to, the CIA Act of 1949;
- (b)(4) exempts from disclosure trade secrets and commercial or financial information that is obtained from a person and that is privileged or confidential;
- (b)(5) exempts from disclosure inter-and intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) exempts from disclosure information from personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy;
- (b)(7) exempts from disclosure information compiled for law enforcement purposes to the extent that the production of the information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source or, in the case of information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger any individual's life or physical safety;
- (b)(8) exempts from disclosure information contained in reports or related to examination, operating, or condition reports prepared by, or on behalf of, or for use of an agency responsible for regulating or supervising financial institutions; and
- (b)(9) exempts from disclosure geological and geophysical information and data, including maps, concerning wells.

UNCLASSIFIED//~~ATUO~~

Adolfo
Tarasiuk-Jr- [redacted]

CIA Chief Information Officer



07/31/2007 04:33 PM

To [redacted]

cc [redacted]

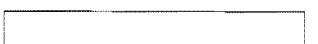
bcc [redacted]

Subject Re: EO 13392 Status Report on Implementing CIA's FOIA Improvement Plan [redacted]

(b)(3)

[redacted] - Approved for release. I will use part of your note below to inform ADD/CIA and DCIA CoS about the upcoming release. Please inform OPA so they can be prepared for possible questions from the media.
Thx.

-AI



[redacted] mission is to provide public access to CIA information, unless that information is legally protected from disclosure under the FOIA, PA, or EO.

To Adolfo Tarasiuk-Jr- [redacted]

cc [redacted]

Subject EO 13392 Status Report on Implementing CIA's FOIA Improvement Plan

07/30/2007 11:00 AM

AI, I have attached for your review and approval a three page updated status report on CIA's progress in implementing its FOIA improvement plan. The report complies with Executive Order 13392, "Improving Agency Disclosure of Information," and the Department of Justice requires that the Chief FOIA Officer of each agency fax it to the President's Management Council on or before Wednesday, 1 August 2007. Each agency must also post the report on its public website, so the document will receive close scrutiny from the press and openness advocates.

DoJ's 1 June 2007 report to the President included the "recommendation" (DoJ told me it is a requirement, notwithstanding the language in the report) that agencies file status reports on why they have failed to meet the milestones in their original FOIA improvement plans and what they are doing to remedy the deficiencies. DoJ noted that we have met our goals for overall website improvement and proactive disclosure of information. DoJ gave us a "yellow" rating (progress, but no success) on:

- automated electronic FOIA tracking and documentation system (CADRE);
- reducing the backlog,
- forms of communication with requesters, and
- tracking the progress of cases.

The updated report says that we will finish the third milestone (communication with requesters) by 31 December, and have already completed the fourth (tracking the progress of cases). CADRE deployment and overall backlog reduction remain issues that we continue to work on.

If you approve the report, I will draft a cover letter for your signature and faxing to Mr. Clay Johnson on or before 1 August.



Updated EO 13392 StatusReport for 1 Aug 2007 20070727.doc

UNCLASSIFIED//~~ATUO~~

APPROVED FOR
RELEASE DATE:
09-Nov-2009

Updated Status Report
From the Central Intelligence Agency
Concerning Reported Deficiencies in
Implementing Executive Order 13,392,
"Improving Agency Disclosure of Information"
1 August 2007

This report updates the progress the Central Intelligence Agency (CIA) has made implementing its Freedom of Information Act (FOIA) improvement plan required by Executive Order 13,392, "Improving Agency Disclosure of Information." The report conforms to the template the Department of Justice provided online in "Guidance on Submitting Updated Status Reports to the President's Management Council."

In response to the Executive Order, CIA identified six areas for improving its FOIA process:

- Automated electronic FOIA tracking and documentation system,
- Overall website improvement to enhance access and user-friendliness,
- Proactive disclosure of information by putting more released documents on its public FOIA website,
- Reducing the backlog,
- Forms of communication with requesters, and
- Tracking the progress of cases.

In June 2007, the Department of Justice assessed that CIA met its goals for overall website improvement and proactive disclosure of information, but gave the Agency a "yellow" rating for the other four areas. "Yellow" means progress, but not success, in meeting a milestone.

1. FOIA Improvement Plan Area: Automated electronic FOIA tracking and documentation system.
2. Deficient Milestone: Deploy a new electronic data tracking and documentation system by December, 2006 to replace the current system.
3. Specific Steps Taken to Correct the Deficiency: CIA's improvement plan called for the deployment of a follow-on

electronic data tracking and documentation system, CIA Automated Declassification and Release Environment (CADRE), by the fourth quarter of calendar year 2006. Technical development issues, however, have delayed deployment of the system until the fourth quarter of calendar year 2007.

4. Additional Steps CIA Will Take: CIA continues to pursue aggressively the additional capability CADRE represents, and is working to deploy the system to FOIA case managers by 31 December 2007. That goal is entirely dependent on technical issues.

1. FOIA Improvement Plan Area: Reducing the overall backlog of FOIA cases.

2. Deficient Milestone: Reduce the overall backlog of FOIA cases 10 percent by 1 October 2006, and reduce the backlog of oldest cases 25 percent by 1 October 2006.

3. Specific Steps Taken to Correct the Deficiency: For both Fiscal Years 2006 and 2007, CIA set a goal of reducing the overall FOIA backlog by 10 percent. In Fiscal Year 2006 the Agency achieved an 8 percent overall reduction, but reduced the backlog of its oldest cases 40 percent because it formed a special team devoted just to closing these cases. This team was not operational for the entire fiscal year, having been formed after the year began.

4. Additional Steps CIA Will Take: To date in Fiscal Year 2007, CIA has received several hundred more FOIA requests than last year, and this increased case load, over which the Agency has no control, is adversely affecting CIA's ability to reach its self-imposed goal of reducing its overall backlog by 10 percent. The Agency must also devote a significant portion of its declassification review resources to demanding non-FOIA litigation and competing declassification requirements like the systematic declassification review Executive Order 12958 mandates.

The Agency has, however, paid special attention to reducing its backlog of cases five years old or older, and has succeeded in reducing this backlog by 60 percent--well exceeding its goal of 25 percent.

Our Annual FOIA report for Fiscal Year 2006 raised the possibility of resource allocation, but in June 2007 CIA decided that the people allocated to this task have

developed efficiencies and expertise that make their impact greatest if they remain focused on their current task. The benefit is the closing of the Agency's oldest, most difficult and complex cases.

1. FOIA Improvement Plan Area: Forms of communication with requesters.

2. Deficient Milestone: Revise all correspondence templates by 31 December 2006 to make responses easier to understand.

3. Specific Steps Taken to Correct the Deficiency: In June 2006 CIA began revising the thousands of individual correspondence paragraph templates it has, but soon recognized that it did not need to do so because it does not use every template in every instance. A more efficient use of resources dictated that CIA identify the forms of correspondence it uses most often with most requesters, and revise those. That process began in March 2007 and continues.

4. Additional Steps CIA Will Take: To date, CIA has revised approximately half of these commonly used correspondence templates, and will finish the remainder by 31 December 2007.

1. FOIA Improvement Plan Area: Tracking the progress of cases.

2. Deficient Milestone: By 30 August 2006, institute more intensive monitoring of the status of each FOIA case by implementing new procedures and technologies.

3. Specific Steps Taken to Correct the Deficiency: CIA substantially cured this deficiency in June 2006 when it implemented a mandatory "tickler" system for case managers coupled with frequent reports to management on the status of cases. The Agency received a "yellow" rating simply because CADRE, the technological part of the solution, is not yet available to improve case tracking.

Independent of CADRE, however, in May and June 2007 the Agency developed new production and tracking metrics that provide increased accountability, case management information that is updated daily, and an improved ability to monitor requests it must send to other government agencies for coordination.

4. Additional Steps CIA Will Take: Not applicable.

UNCLASSIFIED



[Redacted]

[Redacted]

08/06/2007 04:12 PM

To

cc

bcc

Subject Response to Senator Kerry about CIA FOIA Compliance

(b)(3)

I have attached a PDF of the letter we received Friday from Senator Kerry to Scott Koch, our Information and Privacy Coordinator, about CIA compliance with the Freedom of Information Act. I also am attaching a letter that we would propose Scott send in response. Let me know if this is suitable.



Senator John F. Kerry Letter 25 July 2007.pdf



200708 Response to Sen Kerry re CIA FOIA Pgm.doc

UNCLASSIFIED

APPROVED FOR
RELEASE DATE:
06-Nov-2009

JOHN KERRY
MASSACHUSETTS

COMMITTEES.
COMMERCE, SCIENCE,
AND TRANSPORTATION
FINANCE
FOREIGN RELATIONS
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510-2102

July 25, 2007

Scott Koch
Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

Dear Mr. Koch,

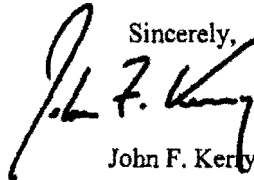
I write today with concern over pending Freedom of Information Act (FOIA) requests to the Central Intelligence Agency (CIA). I am troubled that requests made by private citizens and members of the media are not being processed expeditiously. FOIA has been in place for 40 years; this law improves transparency and ensures the public's trust in our government. Every agency should take the utmost care to respond to these requests in a timely manner and those that do not do so are breaking federal law.

In the Senate I am a co-sponsor of the Openness Promotes Effectiveness in our National Government Act or the OPEN Government Act. As you know this legislation is aimed at improving compliance with FOIA and helping the public redress any unfounded FOIA rejections. This important legislation has been stalled in the Senate and while I will continue to work for its passage this issue is too critical to leave unattended.

My purpose for writing you today is to inquire what the CIA is doing to respond to FOIA requests quickly and effectively. I would also like to know how many pending FOIA requests the CIA has, and the reason for any delays. A recent study done by George Washington University lists the CIA as one of the least compliant agencies when it comes to FOIA requests, with some dating back 15 years or more. This is unacceptable. I respectfully ask that you investigate the CIA's compliance with FOIA and respond with any and all findings.

I thank you for your consideration and look forward to your reply.

Sincerely,



John F. Kerry

cc: John Helgerson, Inspector General of the Central Intelligence Agency

6 August 2007

The Honorable John F. Kerry
United States Senate
Washington, D.C. 20510-2102

Dear Senator Kerry:

This letter responds to yours of July 25, 2007, in which you ask what CIA is doing to respond to Freedom of Information Act (FOIA) requests quickly and effectively. You also inquire about the number of pending FOIA requests the CIA has and the reason for any delays.

Please be assured that CIA has been, and remains, focused on its responsibilities under FOIA, and is making every effort to be responsive to requests private citizens and members of the media make. At the beginning of Fiscal Year (FY) 1998 the Agency had a backlog of 4,867 cases. Despite receiving over 32,000 additional requests since then, we have reduced the FOIA backlog each year for nine consecutive fiscal years. We ended FY 2006 with a backlog of 896 cases, a reduction of 3,971 cases or almost 82 percent.

In an effort to respond quickly and effectively to the maximum number of requesters, we devoted fewer resources to cases requiring complex searches and reviews of thousands or even tens of thousands of pages, often containing the equities of many other government agencies. Well in advance of your letter, however, we recognized that we needed to reduce our backlog of cases (151) five years old or older. We publicly committed to reducing this part of our backlog by 25 percent per year. In FY 2006 we reduced this backlog by 40 percent; thus far in FY 2007 we reduced it by 61 percent, leaving a current backlog of 47 old cases. We are confident that within the next two fiscal years we will have eliminated the backlog of old cases.

This year we have already received 549 more FOIA requests (2,513) than we had at the same time last year; in fact, we have already received more than the 2,500 we received for all of FY 2006. Although our FOIA resources have not increased, we have responded to and closed 2,387 cases through 31 July 2007; 408 more than we had closed at the same point in FY 2006. Our current backlog is 991 and we are working hard to cut it further.

The challenges we face are not limited to the variability in the number of FOIA requests we receive each year. The resources we can allocate to our FOIA program must compete with other information review and release mandates as well as both FOIA and non-FOIA litigation, which has occupied more and more of our attention. Finally, the FOIA requests we receive often implicate highly classified information and the equities of other government agencies. Accordingly, these requests require careful review and inter-agency coordination. Nevertheless, despite these challenges, we have been worked aggressively to reduce both the overall backlog and the backlog of older cases.

We hope we have addressed your concerns, but would be pleased to have you or members of your staff visit our offices to gain a first-hand understanding of CIA's FOIA administration. We take our responsibilities and obligations to the American people very seriously, and I am sure that you would agree after meeting the dedicated professionals who work so hard to satisfy all of our FOIA requesters.

Sincerely,

Scott A. Koch, Ph.D.
CIA Information and Privacy Coordinator

~~UNCLASSIFIED//ATUO~~

(b) (3)



[Redacted]
[Redacted]
[Redacted]
[Redacted]

mission is to provide public access to CIA information, unless that information is legally protected from disclosure under the FOIA, PA, or EO.

To [Redacted]
cc Adolfo Tarasiuk-Jr./ [Redacted]
bcc [Redacted]

Subject WE DID IT! FY 2007 FOIA/PA/EO Results

10/01/2007 10:16 AM

Fiscal Year 2007 has come to an end, and I am extremely proud to report that CIA has reduced its backlog of FOIA/PA cases for the *tenth consecutive fiscal year*.

This has been a year of remarkable achievement. We started FY 2007 with a backlog of 896 FOIA/PA cases. We ended at 775 (a record low), a reduction of 13.5 percent, exceeding our goal of 10 percent overall reduction. We reduced the backlog of our oldest cases, those five or more years old, by 73 percent. Our goal was 25 percent. We reduced the backlog of FOIA/PA/EO appeals by 12 cases or 6.5 percent. And, despite receiving a record number of EO requests (1,214), we closed a record number (1,215) of EO requests and actually reduced the EO backlog by 1 case or .14 percent. This goal seemed unattainable only a week ago.

I will not bore you with detailed statistics. Suffice it to say that this year we received many more FOIA/PA/EO cases than last year, and closed many more than last year. These cases were complex and the documents required close review.

Do not underestimate the magnitude of your accomplishments. You have faced several significant challenges this year. PIPD reorganized into teams, which took additional training as every case manager had to learn how to process an entire case. PIPD integrated and trained several employees new to the Agency as well as to our business area. The Agency had a significant increase in high-profile litigation, which necessarily required the attention of reviewers at the expense of FOIA/PA/EO work. Several IRO offices lost contractor resources, necessary to review documents.

We have met these challenges, and have positioned ourselves for success in the coming year. The IROs are close to being fully staffed, if they are not already. A new litigation unit in HQ should help take some of the pressure off the NCS IRO's office. The IROs will co-locate, making collaboration and consultation easier and faster. PIPD's FOIA, EO, and appeals teams are strong and functioning efficiently. The Privacy Act Branch is hitting its stride and is processing more cases, faster. The MORI scanning team supporting us is close to full strength and is performing at peak efficiency. CADRE will replace the aging MORI system, and everyone will receive the same training on CADRE so that will be standardized. Our wiki is taking shape and capturing the business process and policy knowledge it has taken us years to accumulate. We are looking at ways to refer documents to other agencies electronically, drastically reducing the time it takes to send referrals. We have every reason to be optimistic that the success we enjoyed this year with our partners across IRRG and the Intelligence Community will continue next year.

You have all worked extremely hard. Enjoy your success. I hope that each of you will take great pride in a job done exceptionally well, and I ask that the IROs please pass this message to their staffs. What each of you does every day contributes to the Agency's mission and protects the national security of the United States.

Please accept my sincere appreciation for all your hard work, and my personal congratulations for being the best FOIA/PA/EO operation in the government.

~~UNCLASSIFIED//ATUO~~

APPROVED FOR RELEASE - CIA
INFO DATE: 09-Nov-2009

UNCLASSIFIED



[Redacted]

To Mark Mansfield [Redacted]

cc Adolfo Tarasiuk-Jr. [Redacted]

[Redacted]

03/01/2007 05:33 PM

bcc [Redacted]

Subject Press Question about CIA FOIA releases

(b)(3)

Mark:

This is in response to questions from Thomas Hargrove of the Scripps Howard News Service about the Agency's release of information under the Freedom of Information Act (FOIA). Mr. Hargrove says he is working on a story as part of the American Society of Newspaper Editors observation of National Sunshine Week. He notes that the Agency received 6,121 FOIA requests in 1998, processed 7,169 cases, issued total grants in 3,188 cases, and issued 1,652 partial grants. He says that by 2006, the agency totally granted only 267 requests and partially granted 939, out of 2,500 requests received and 2,579 requests processed. Thus, the percentage of processed cases that resulted in a total grant of information sought declined from 44 percent in 1998 to 10 percent last year. The percentage of processed cases that resulted in either a total or partial grant declined from 68 percent to 50 percent.

Mr. Hargrove correctly cites the numbers we provided to the DOJ each year about our FOIA program, but this raw data needs some interpretation to be fully understood.

Point one - and most important - is the fact that CIA is not applying the FOIA exemptions more stringently.

Point two - As the DOJ reports show, the number of requests we received in 1998 and 1999 are substantially higher than the number received since then, and, thus, using 1998 or 1999 as a base year distorts the story. Here is why.

As you know, we count FOIA and Privacy Act requests together because we treat all of them under FOIA standards. In 1998 and 1999 we were processing a large number of requests sent to us from the Office of Personnel Management (OPM) and the Defense Investigative Service (DIS) relating to national agency checks that we had done on individuals applying for either sensitive jobs or for positions requiring a clearance. Most often we sent back to the requesting agency a "no records" or "no derogatory information" response, and when the FOIA/PA request for these records was received, we were able to release the information in full. In FY 2000, I delegated to OPM and DIS the authority to release these records without sending them to us. This was a more efficient and cost effective approach, but one consequence was to significantly reduce the percentage of requests we granted in full. Had we continued to require OPM and DIS to send these requests to us, the numbers and percentages Mr. Hargrove cites would have been quite different.

Point three - The information we release in part is often quite substantial -- we take out only the minimum we have to in order to protect national security. But despite our best efforts to release information, the fact is that many of the requests we receive ask for very specific information about highly classified topics in the news every day. Several years ago, requesters did not ask about terrorism, al-Qaeda, the war in Iraq, Afghanistan, the attacks against the United States on September 11, 2001, or footnotes in reports that have investigated these events. Now, they do, and these documents most often have to be redacted, if they can be released at all.

Additional points: We have been trying hard to improve our service to FOIA requesters. We are now helping requesters to refine their requests so we can provide responsive documents. We have worked hard to reduce our backlog of FOIA cases each year -- from nearly 5,800 in 1998 to under 900 in 2006. We also have been paying particular attention to the older cases, achieving a 40% reduction last year, and we are expecting a similar reduction again this year.

UNCLASSIFIED

APPROVED FOR RELEASE - CIA
INFO DATE: 09-Nov-2009

UNCLASSIFIED//~~FOUO~~

(b) (3)



Adolfo
Tarasiuk-Jr [redacted]
CIA Chief Information Officer
[redacted]

05/24/2007 08:14 AM

To [redacted]
cc [redacted]
bcc [redacted]

Subject Re: DOJ Report to the President on FOIA [redacted]

[redacted] - Thanks for the advanced information regarding the results of the DOJ report. I will use the report to highlight our continuing resource constraints in your business area.

[redacted] Many thanks.

-AI
[redacted]



05/23/2007 02:38 PM

To Adolfo Tarasiuk-Jr [redacted]
cc [redacted]

Subject DOJ Report to the President on FOIA

We have received an advance copy of the "Attorney General's Report to the President Pursuant to Executive Order 13392, Entitled 'Improving Agency Disclosure of Information,'" as well as a scorecard on CIA's performance. As the Chief FOIA Officer, you will be receiving a copy of the final report after it is sent to the President on June first.

The scorecard we received gives us passing grades (green) on only two of the six measured improvement areas. The first passing grade was for improving our website to make it easier for the public to locate information and to provide links to the FOIA websites of other agencies. The second was for being proactive in disclosing information by adding documents and collections to the CIA website.

We earned a yellow or "caution" rating with respect to having an automated electronic FOIA tracking and documentation system, and on tracking the progress of cases because the CADRE system that we had anticipated deploying by the end of calendar year 2006 has been delayed, and will not be in place until later this year.

We also received a yellow on revising our correspondence with requesters to make our responses easier to understand. This was because, as of February 2007 when we sent our annual report to the Department of Justice, we only had been able to complete changes to slightly more than half of the thousands of paragraphs we use in the letters we send to requesters to cover the myriad of circumstances relating to their cases.

Finally, we received a yellow rating on reducing the overall backlog of cases, although we did meet and exceed our goal of addressing the oldest cases.

UNCLASSIFIED//~~FOUO~~

APPROVED FOR RELEASE - CIA
INFO DATE: 09-Nov-2009

UNCLASSIFIED//~~FOUO~~

I am confident that we will have met the first three goals by the time our next annual report is due on 1 February 2008. The CADRE system will be operational, and we will have completed the overall review of our responses to requesters. At a minimum we will have completely revised these paragraphs but, in addition, we are attempting to simplify the process so that we use a relatively few standard response letters in place of the more complex system we currently use.

I have no confidence, however, that we will be able to meet our backlog reduction goals within our current resource profile. Indeed, I expect the backlog to increase. The Information Review Officers do not have the resources to keep up with current requests and, in addition, they are being diverted to handle a growing litigation caseload. I would note too that the backlog of Executive Order mandatory declassification review requests is also increasing.

The backlog growth is disturbing because Executive Order 13392 places great emphasis on backlog reduction. Indeed, the Attorney General's report notes that a number of agencies, including the Veteran's Administration, the Department of State, the Department of Education, the Department of Justice, and the Department of Labor, have significantly reduced their backlogs, a number of them achieving these goals despite receiving a significantly increased number of FOIA requests. In this regard, I also would note that one of the Attorney General's recommendations is to require agencies to set additional backlog reduction goals for FY 2008, 2009, and 2010.

The bottom line is that we can further improve our FOIA posture by using better processes and procedures, but with respect to backlog reduction the lack of resources prevents us from reaching our goal and may lead to additional oversight attention from both the Department of Justice and the Congress.

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

(b) (3)

To: Adolfo Tarasiuk-Jr. [redacted]

cc

bcc

Subject: Re: CIA's 2006 Annual FOIA Report [redacted]

[redacted] mission is to provide public access to CIA information, unless that information is legally protected from disclosure under the FOIA, PA, or EO.

01/12/2007 02:30 PM

Will do. Thanks for the quick turnaround.
Original Text of Adolfo Tarasiuk-Jr-

Adolfo Tarasiuk-Jr-
CIA Chief Information Officer

01/12/2007 02:23 PM

To:
cc:

Subject: Re: CIA's 2006 Annual FOIA Report [redacted]

[redacted] Thank you for sending me the final report. I reviewed it and have no comments or suggested changes. Please go ahead and move this forward for release to DoJ.

Thanks,

-AI

Original Text of [redacted]

[redacted] mission is to provide public access to CIA information, unless that information is legally protected from disclosure under the FOIA, PA, or EO.

01/12/2007 01:45 PM

To: Adolfo Tarasiuk-Jr- [redacted]
cc:

Subject: CIA's 2006 Annual FOIA Report

AI, I have attached for your review a draft of CIA's annual FOIA report for Fiscal Year 2006. [redacted] has already seen it, and I have incorporated his changes.

UNCLASSIFIED//~~FOUO~~APPROVED FOR RELEASE - CIA
INFO DATE: 09-Nov-2009

~~UNCLASSIFIED//ATUO~~

You may remember that last year the DS wanted to see a copy before it went out. We must file this report, which is a public document, with the Department of Justice **on or before 1 February 2007** and must also post it on our public FOIA website. The Government Accountability Office will start looking for the reports on agencies' websites on 2 February 2007.

The report is highly formulaic and follows a DoJ template. You may notice that this year DoJ requires a new section, section XII. Section XII discusses the progress we have made in implementing our FOIA improvement plan, which Gen. Hayden sent to DoJ and the Office of Management and Budget in June, 2006. Overall I think the Agency is in very good shape, especially with our consistent reduction of the backlog.

I will be happy to answer any questions you may have and make any changes you think appropriate. If you like, we can send you a copy of the final product once it goes out. We retain copies in our office.



20070112 FY06 Annual FOIA Report.doc

~~UNCLASSIFIED//ATUO~~

Central Intelligence Agency

FREEDOM OF INFORMATION ACT ANNUAL REPORT

FISCAL YEAR 2006

[This report contains information in the format specified in Department of Justice guidance to the EFOIA. Text in *italics* is the information provided in response to specified headings.]

I. Basic Information Regarding Report

A. Name, title, address, and telephone number of person to be contacted with questions about the report.

*Scott A. Koch, Ph.D.
Information and Privacy Coordinator
Central Intelligence Agency
Washington D.C. 20505
(703) 613-1287*

B. Electronic address for report on the World Wide Web.

<http://www.foia.cia.gov>

C. How to obtain a copy of the report in paper form.

Write to the above address.

II. How to Make a FOIA Request

An individual may request for records under the Freedom of Information Act by sending a request through the U.S. mail to:

*Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.*

Alternatively, one may send a request via facsimile to 703-613-3007. We regret that we cannot accept FOIA requests via electronic mail.

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

The mailing address in section I.A. above is the proper office within CIA to receive FOIA requests. Any CIA component receiving what purports to be a request for information under the FOIA will forward that request to the address listed in section I.A., above.

B. Brief description of the agency's response-time ranges.

For those FOIA cases closed in FY 2006, 80% were closed in 156 days; median response time was 43 days; average response time was 201 days.

For those Privacy Act cases closed in FY 2006, 80% were closed in 45 days; median response time was 20 days; average response time was 53 days.

C. Brief description of why some requests are not granted.

CIA consistently protects, among other things, classified national security information, information relating to intelligence sources and methods, and organizational information from release under the FOIA and takes full advantage of all of the FOIA's exemptions.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

None.

B. Basic terms, expressed in common terminology.

1. FOIA/PA Request – Freedom of Information Act/Privacy Act request. A FOIA request generally is a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)

2. Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.

3. Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

4. Processed Request or Appeal – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.

5. Multi-track Processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).

6. Expedited Processing – an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

7. Simple Request – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.

8. Complex Request – a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

9. Grant – an agency decision to disclose all records in full in response to a FOIA request.

10. Partial Grant – an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.

11. Denial – an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to an FOIA request).

12. Time Limits – the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily, 20 working days from proper receipt of a "perfected" FOIA request).

13. "Perfected" Request – a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 Statute – a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

15. Median Number – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

16. Average Number – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

List of Exemption 3 Statutes relied on by agency during current fiscal year.

(1) *The Central Intelligence Agency Act of 1949, as amended, codified at 50 U.S.C. § 403g.*

(2) *Statute: 26 U.S.C. § 6103*

1. Brief description of type(s) of information withheld under each statute.

Among other things, the Central Intelligence Agency Act of 1949 authorizes the Agency to protect CIA budget information from disclosure and information relating to the organization, functions, names, official titles, salaries, or numbers of personnel employed by the CIA, including information relating to intelligence sources and methods.

26 U.S.C. 6103 prohibits the disclosure of tax returns and return information.

2. Statement of whether a court has upheld the use of each statute. If so, cite example.

Yes, See, e.g.,

Halperin v. CIA, 629 F.2d 144 (D.C. Cir. 1980) (section 6, CIA Act of 1949).

Minier v. CIA, 88 F.3d 796 (9th Cir. 1996) - section 6, CIA Act of 1949.

Church of Scientology v. IRS, 484 U.S. 9 (1987)

See "U.S. Department of Justice Freedom of Information Act Guide and Privacy Act Overview" for additional examples of (b)(3) statutes available to the CIA and applicable case law.

V. Initial FOIA/PA Access Requests**A. Numbers of initial requests.**

1. Requests pending as of end of preceding year: 975
2. Requests received during current fiscal year: 2500
3. Requests processed during current fiscal year: 2579
4. Requests pending as of end of current fiscal year: 896

B. Disposition of initial requests.

1. Number of total grants: 267
2. Number of partial grants: 939
3. Number of denials: 495

Number of times each FOIA exemption used (counting each exemption once per request):

- (1) Exemption 1: 703
- (2) Exemption 2: 93
- (3) Exemption 3: 942
- (4) Exemption 4: 17
- (5) Exemption 5: 83
- (6) Exemption 6: 172
- (7) Exemption 7(a): 3
- (8) Exemption 7(b): 1
- (9) Exemption 7(c): 48
- (10) Exemption 7(d): 30
- (11) Exemption 7(e): 43

(12) Exemption 7(f): 2

(13) Exemption 8: 0

(14) Exemption 9: 0

4. Other reasons for nondisclosure (total): 878

a. no records: 370

b. referrals: 80

c. request withdrawn: 121

d. fee-related reason: 85

e. records not reasonably described: 18

f. not a proper FOIA request for some other reason: 79

g. not an agency record: 8

h. duplicate request: 25

i. other: *includes cancellations due to lack of requester response to SPR, death of requester, response material returned undeliverable, administrative error, early appeal/litigation, etc.* 92

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

1. Number of appeals received during fiscal year: 166

2. Number of appeals processed during fiscal year: 203

B. Disposition of appeals.

1. Number completely upheld: 115

2. Number partially reversed: 31

3. Number completely reversed: 7

Number of times each FOIA exemption used (counting each exemption once per appeal):

(1) Exemption 1: 124

(2) Exemption 2: 5

(3) Exemption 3: 136

(4) Exemption 4: 1

(5) Exemption 5: 5

(6) Exemption 6: 14

(7) Exemption 7(a): 0

(8) Exemption 7(b): 0

(9) Exemption 7(c): 1

(10) Exemption 7(d): 2

(11) Exemption 7(e): 2

(12) Exemption 7(f): 0

(13) Exemption 8: 0

(14) Exemption 9: 0

4. Other reasons for nondisclosure (total): 50

a. no records: 38

b. referrals: 2

c. request withdrawn: 2

d. fee-related reason: 1

e. records not reasonably described: 0

f. not a proper FOIA request for some other reason: 1

g. not an agency record: 0

h. duplicate request: 1

i. other: *includes cancellations due to administrative error and early litigation* 5

VII. Compliance With Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year.

1. Simple requests.

a. number of requests processed: 395

b. median number of days to process: 7

2. Complex request.

a. number of requests processed: 2,184

b. median number of days to process: 59

3. Requests accorded expedited processing.

a. number of requests processed: 0

b. median number of days to process: *Not applicable*

B. Status of pending requests.

1. Requests pending as of end of current fiscal year: 896

2. Median number of days that such requests were pending as of that date:
FOIA - 234; PA - 74

VIII. Comparisons With Previous Year(s)

A. Comparison of number of requests received:

2,500 in FY06 vs. 2,935 in FY05 vs. 3,055 in FY04 vs. 3,136 in FY03

B. Comparison of number of requests processed:

2,579 in FY06 vs. 3,110 in FY05 vs. 3,336 in FY04 vs. 3,252 in FY03

C. Comparison of median numbers of days requests were pending as of end of fiscal year:

FOIA – 234 in FY 06 vs. 324 in FY05 vs. 349 in FY04 vs. 480 in FY03
PA – 74 in FY 06 vs. 99 in FY05 vs. 127 in FY04 vs. 221 in FY03

D. Other statistics significant to agency:

40 requests for expedited processing received in FY06, 0 requests granted
53 requests for expedited processing received in FY05, 0 requests granted
18 requests for expedited processing received in FY04, 1 request granted
No statistics available for FY03

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel: 38
2. Number of personnel with part-time or occasional FOIA duties: 68
3. Total estimated number of personnel (FTE): 74.5

B. Total estimated costs (including staff and all resources).

1. FOIA processing (including appeals): *\$8.87 million*
2. Litigation-related activities: *\$1.19 million*
3. Total estimated costs: *\$10.06 million*

C. Statement of additional resources needed for FOIA compliance (optional)

X. Fees

A. Total amount of fees collected by agency for processing requests: \$4732.80

B. Percentage of total costs: *less than 1%*

XI. FOIA Regulations (Including Fee Schedule)

CIA FOIA and Privacy Act regulations are codified at 32 CFR Parts 1900 and 1901, respectively, and can be obtained by contacting the Information and Privacy Coordinator (see Sec. I of this report); by referencing the Federal Register / Vol. 62, No. 115 / Monday, June 16, 1997 (available at public libraries); or by accessing the Internet at <http://www.foia.cia.gov> - - click on "Your Rights/Freedom of Information Act/Your Rights FOIA /Code of Federal Regulations...."

XII. Report on FOIA Executive Order Implementation

A. Description of supplementation/modification of agency improvement plan (if applicable)

CIA has not modified its improvement plan.

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

CIA has met all but one of its milestones. See section C for an explanation.

- Overall website improvement.

We have added links to the FOIA programs of other government agencies with which we have close working relationship, including the Department of State, Department of Justice, Department of Defense, National Security Agency, National Reconnaissance Office, and the National Archives and Records Administration. We have also added a section of "frequently asked questions," so that requester can find answers to common questions in one place rather than have to navigate our website.

- Proactive disclosure of information.

We are current in putting material on our public website. At the beginning of Fiscal Year 2006 we were approximately two years behind in posting documents on our web site; it now takes us only one month and we have adopted that as our standard.

- Reducing the backlog.

In Fiscal Year 2006, we again reduced the overall backlog by 8%, which is slightly shy of our goal of 10%. At the end of the year our backlog stood at 896 cases. But we focused particular attention on the cases five or more years old. Our goal was to reduce this backlog 25%, but we reduced it 40%. The reduction included some of our very oldest, most difficult cases, as well as those with outstanding coordination with other government agencies. To address this problem, we formed a team of our most experienced officers and gave them the mission of reducing this backlog to the exclusion of everything else. We hope to continue to reduce the backlog of older cases in Fiscal 2007.

- Forms of communication with requesters.

We have made significant progress in improving, both in terms of clarity and brevity, the thousands of correspondence templates we use while retaining necessary legal language. We have not finished this task due to the sheer volume of templates. We are, however, improving them as we find we need to use them in specific situations.

We have made a concerted effort to improve our personal interaction with requesters. We encourage case managers to call requesters if they can help narrow the scope of a request or determine what the requester actually wants. We have found that a modest investment in time at the beginning pays big dividends in more focused requests that result in the release of responsive documents.

Our FOIA Requester Service Center is fully operational, and we have appointed two FOIA Public Liaison officers. Our website tells requesters how to reach the Liaison officers, and this information is also available through our FOIA hotline, where requesters can get information about the status of their cases.

- Tracking the progress of cases.

We have improved our ability to track the progress of cases internally as the documents in them undergo multi-directorate review. Case managers now can better coordinate the cases among the directorate information review offices through regular "tickler" notes or requests for case status, which promises to reduce response time. Case managers now produce regular reports so that management can identify cases that may require intervention to solve unique problems or unexpected delays.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

- The current state of CIA's automated electronic FOIA tracking and documentation system.

CIA has not been able to fully deploy the CIA Automated Declassification and Release Environment (CADRE) system by 31 December 2006, but it will become available to FOIA case officers in 2007.

D. Additional narrative statement regarding other executive order-related activities (optional).

Nothing to report.

E. Concise descriptions of FOIA exemptions.

- (b)(1) exempts from disclosure information properly classified, pursuant to an Executive Order;
- (b)(2) exempts from disclosure information, which pertains solely to the internal personnel rules and practices of the Agency;
- (b)(3) exempts from disclosure information that another federal statute protects, provided that the other federal statute either requires that the matters be withheld, or establishes particular criteria for withholding or refers to particular types of matters to be withheld. The (b)(3) statutes upon which the CIA relies include, but are not limited to, the CIA Act of 1949;

- (b)(4) exempts from disclosure information such as trade secrets and commercial or financial information that is obtained from a person and that is privileged or confidential;
- (b)(5) exempts from disclosure inter-and intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency (i.e., information to which any privilege recognized by the federal courts applies, including information protected by the deliberative process privilege, the attorney-client privilege, and the attorney work-product privilege) ;
- (b)(6) exempts from disclosure information from personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy;
- (b)(7) exempts from disclosure information compiled for law enforcement purposes to the extent that the production of the information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source or, in the case of information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source ; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger any individual's life or physical safety;
- (b)(8) exempts from disclosure information contained in reports or related to examination, operating, or condition reports prepared by, or on behalf of, or for use of an agency responsible for regulating or supervising financial institutions; and
- (b)(9) exempts from disclosure geological and geophysical information and data, including maps, concerning wells.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency)

Our oldest pending case dates from 1992 and is a request for the CIA report known colloquially as "The Family Jewels." In 2006 CIA re-reviewed the case internally to determine if the passage of time warranted a more liberal release. After the re-review, we determined that the case contained the equities of eight other government agencies and in 2006 sent it to them. We do not have their responses yet.

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

Our oldest outstanding coordinations date from 2001. We have four, and are making concerted efforts to have the other agencies treat and return the documents to us so we can close the cases.

G. Attachment: Agency improvement plan (in current form).
Attached.

UNCLASSIFIED

(b) (3)



01/22/2007 07:04 PM

To: Adolfo Tarasiuk-Jr. [redacted]

cc: [redacted]

bcc: [redacted]

Subject: Re: Fw: [AIN] FOIA Annual Report [redacted]

Yes, an annual event and [redacted] is on preparing the report.

Original Text of Adolfo Tarasiuk-Jr-

Adolfo Tarasiuk-Jr-
CIA Chief Information Officer

01/22/2007 03:54 PM



To: [redacted]

cc: [redacted]

Subject: Fw: [AIN] FOIA Annual Report

- [redacted] - Assume you know this already.

-AI

----- Forwarded by Adolfo Tarasiuk-Jr- [redacted] on 01/22/2007 03:53 PM -----

"List Names" <List.Names@usdoj.gov>

01/22/2007 11:51 AM
Please respond to "List
Names"

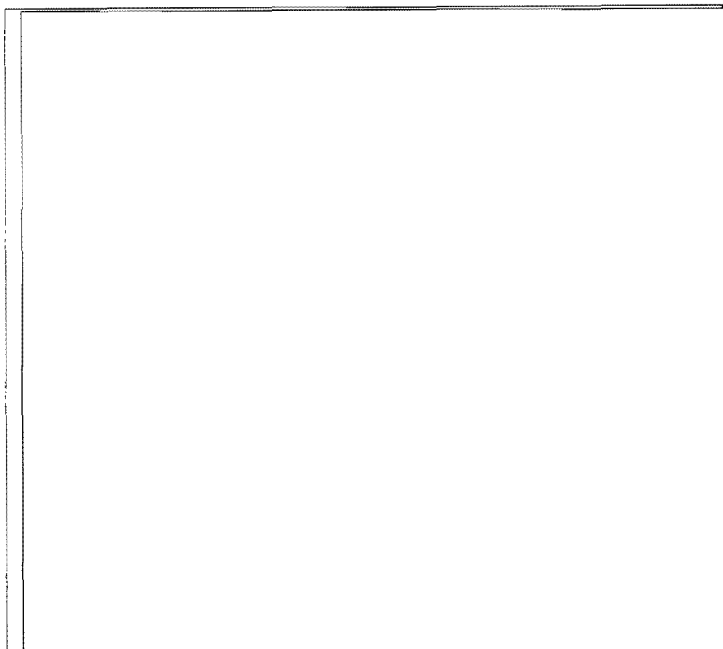
To: [redacted]



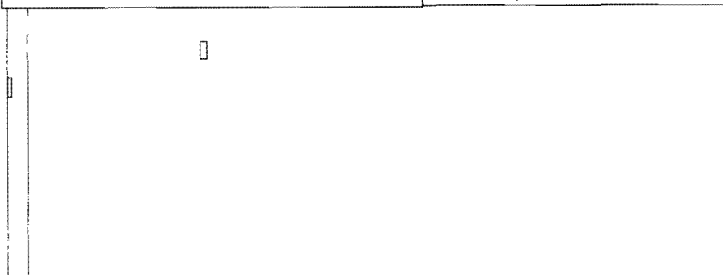
UNCLASSIFIED

APPROVED FOR RELEASE - CIA
INFO DATE: 09-Nov-2009

UNCLASSIFIED

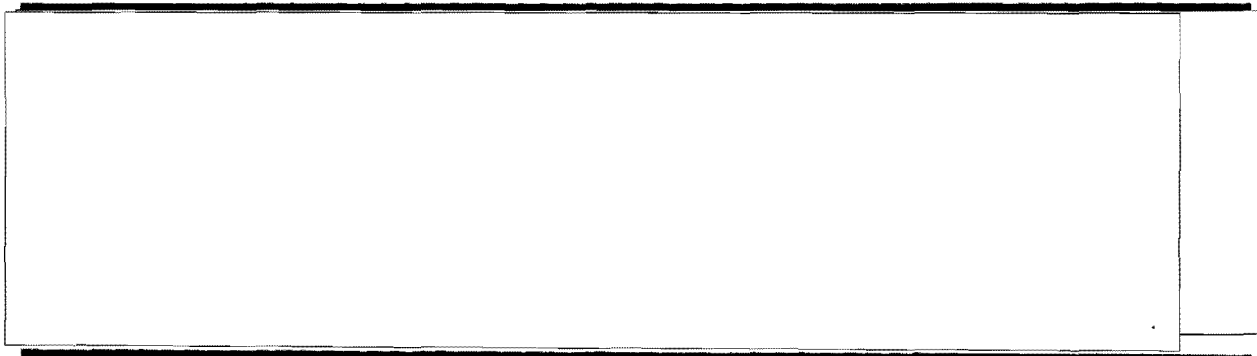


"Tarasiuk, Aldolfo"



cc:
Subject: [AIN] FOIA Annual Report

☐ CLASSIFICATION: UNCLASSIFIED



UNCLASSIFIED

UNCLASSIFIED

To: Chief FOIA Officers

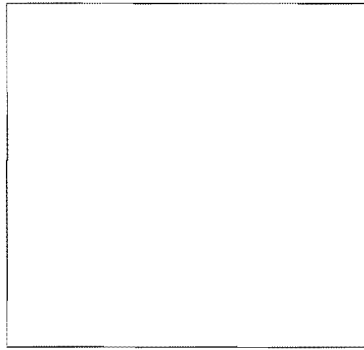
As you know, pursuant to the 1996 FOIA amendments, all federal agencies prepare annual reports of their FOIA activities at the end of each fiscal year and submit them to the Attorney General (through the Office of Information and Privacy (OIP)) by no later than February 1. This year, in light of the requirements of Executive Order 13,392, specifically Section 3(c)(ii), (iii), all such annual reports must contain a new Section XII which contains a description of the agency's activities under its FOIA Improvement Plan. OIP established uniform guidelines for this new portion of each agency's FOIA annual report, which can be found at Part III of the Department of Justice's Executive Order 13,392 Implementation Guidance at: <http://www.usdoj.gov/oip/foiapost/2006foiapost6.htm>

When drafting its annual report, all agencies are reminded that they should report both their successes in implementing their FOIA improvement plans and any failure to meet a milestone or goal, which is referred to as a "deficiency" under the Executive Order. A "deficiency" includes both the failure to meet a milestone or goal, as well as the failure to meet it on the date specified. The Executive Order mandates not only that any such "deficiency" be identified in the annual report, but that in addition an explanation be given for the failure to meet it, and an outline provided of the steps taken, or to be taken, to address the deficiency.

In an effort to further assist agencies as they complete their annual reports, OIP has today posted – nearly two weeks early – the Department of Justice's annual report. It can be found at: http://www.usdoj.gov/oip/annual_report/2006/06foiapg12.htm

UNCLASSIFIED

UNCLASSIFIED



To [redacted]

cc Adolfo Tarasiuk-Jr- [redacted]

bcc [redacted]

Subject CIA Annual FOIA Report Filed 23 January 2007

01/23/2007 12:18 PM

I am pleased to report that I faxed CIA's Annual FOIA Report for FY06 to the Department of Justice this morning. [redacted]

I will see that the report gets on our website no later than the deadline of 1 February 2007.
Original Text of [redacted]



01/22/2007 07:04 PM

To: Adolfo Tarasiuk-Jr- [redacted]

cc: [redacted]

Subject: Re: Fw: [AIN] FOIA Annual Report

Yes, an annual event and [redacted] is on preparing the report.

Original Text of Adolfo Tarasiuk-Jr-

Adolfo Tarasiuk-Jr-
CIA Chief Information Officer

01/22/2007 03:54 PM

To: [redacted]
cc: [redacted]

Subject: Fw: [AIN] FOIA Annual Report

☐ Assume you know this already.

-AI

----- Forwarded by Adolfo Tarasiuk-Jr- [redacted] on 01/22/2007 03:53 PM -----

"List Names" <List.Names@usdoj.gov>

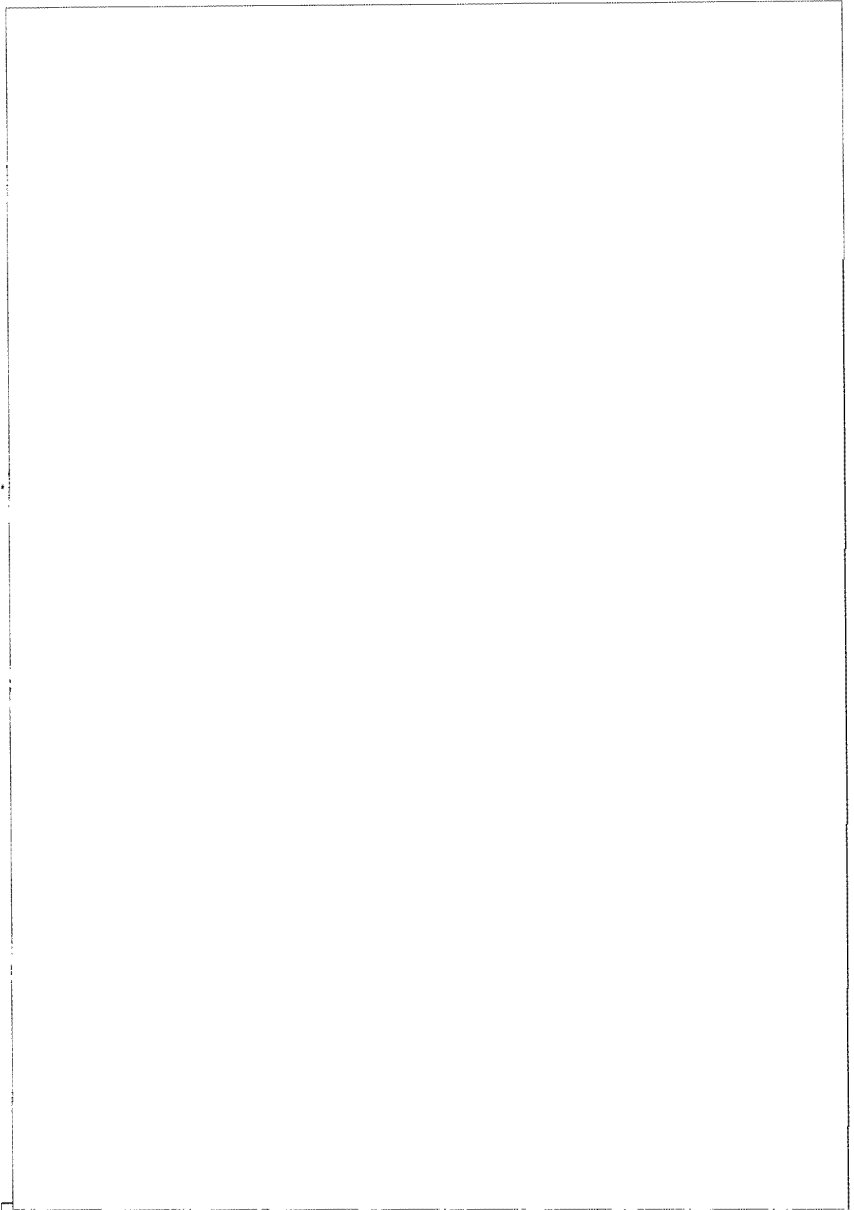
01/22/2007 11:51 AM
Please respond to "List
Names"

To [redacted]

UNCLASSIFIED

APPROVED FOR RELEASE - CIA INFO ☐
DATE: 09-Nov-2009

UNCLASSIFIED



Tarasiuk, Aldolfo"

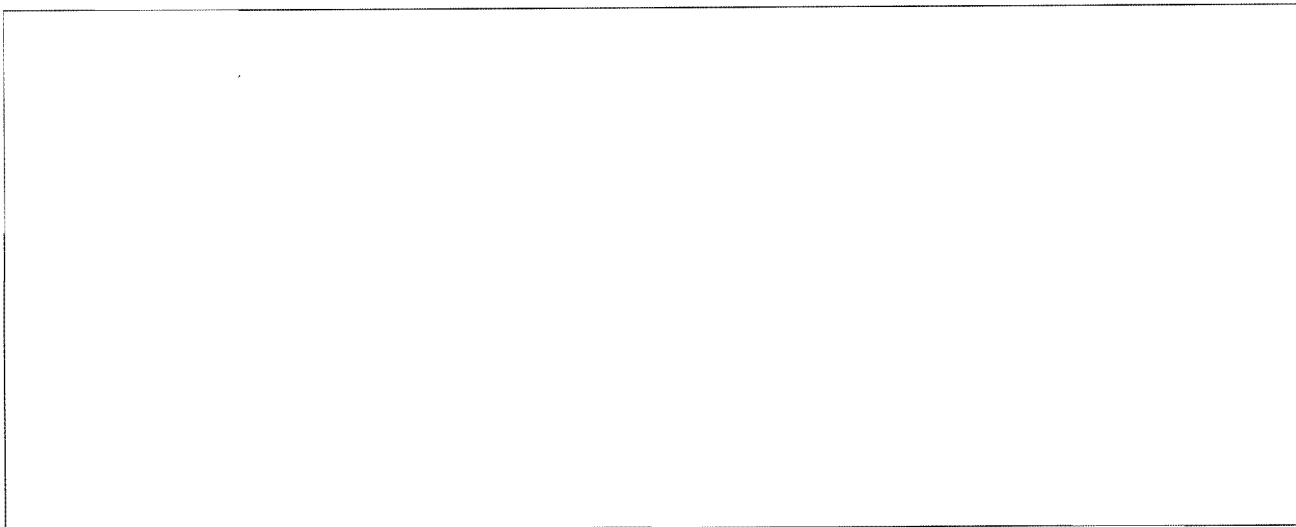
cc:

Subject: [AIN] FOIA Annual Report

UNCLASSIFIED

FULL TEXT COPY - DO NOT
RELEASE

UNCLASSIFIED



To: Chief FOIA Officers

As you know, pursuant to the 1996 FOIA amendments, all federal agencies prepare annual reports of their FOIA activities at the end of each fiscal year and submit them to the Attorney General (through the Office of Information and Privacy (OIP)) by no later than February 1. This year, in light of the requirements of Executive Order 13,392, specifically Section 3(c)(ii), (iii), all such annual reports must contain a new Section XII which contains a description of the agency's activities under its FOIA Improvement Plan. OIP established uniform guidelines for this new portion of each agency's FOIA annual report, which can be found at Part III of the Department of Justice's Executive Order 13,392 Implementation Guidance at: <http://www.usdoj.gov/oip/foiapost/2006foiapost6.htm>

When drafting its annual report, all agencies are reminded that they should report both their successes in implementing their FOIA improvement plans and any failure to meet a milestone or goal, which is referred to as a "deficiency" under the Executive Order. A "deficiency" includes both the failure to meet a milestone or goal, as well as the failure to meet it on the date specified. The Executive Order mandates not only that any such "deficiency" be identified in the annual report, but that in addition an explanation be given for the failure to meet it, and an outline provided of the steps taken, or to be taken, to address the deficiency.

In an effort to further assist agencies as they complete their annual reports, OIP has today posted – nearly two weeks early – the Department of Justice's annual report. It can be found at: http://www.usdoj.gov/oip/annual_report/2006/06foiapg12.htm

UNCLASSIFIED

UNCLASSIFIED//~~FOUO~~

Adolfo
Tarasiuk-Jr-/STF/AGENCY
CIA Chief Information Officer

01/23/2007 05:33 PM

To [REDACTED]
cc [REDACTED]
bcc [REDACTED]
Subject Re: Talking Points re: Annual FOIA Report [REDACTED]

(b) (3)

[REDACTED]
Thanks. These points are perfect. Will let you know if I get any reactions.

-AI
Original Text of [REDACTED]

[REDACTED]

[REDACTED] mission is to provide public access to CIA
information, unless that information is legally
protected from disclosure under the FOIA, PA, or EO.

01/23/2007 03:29 PM

To: Adolfo Tarasiuk-Jr- [REDACTED]
cc: [REDACTED]

Subject: Talking Points re: Annual FOIA Report

AI [REDACTED] forwarded your note re: talking points about the FOIA annual report. I hope you find the items below useful for your Director's meeting tomorrow:

The Agency filed its annual FOIA report with the Department of Justice yesterday, well ahead of the 1 February deadline. Justice accepted and approved the 13-page report almost immediately with only a minor change. Once again, the report for FY06 has good news for CIA.

- CIA reduced its backlog of old FOIA cases for the ninth consecutive fiscal year, the best in government. In FY06, we reduced the backlog 8%.
- CIA reduced its backlog of FOIA cases five or more years old by 40%, far beyond our target of 25%. This indicator is especially important because the age of these cases gives them the potential to attract negative publicity for the Agency.
- CIA reduced its median response time for FOIA cases, and the trend continues to go downward. We are able to respond to simple and even complex cases more quickly than ever.
- Finally, CIA reported significant progress on the items in its FOIA improvement plan, filed with Justice and the Office of Management and Budget in June, 2006. Executive Order 13392 now requires agencies to document the status of their FOIA improvements in their annual FOIA report. Justice accepted and approved CIA's update without comment.

UNCLASSIFIED//~~FOUO~~

APPROVED FOR RELEASE - CIA
INFO DATE: 09-Nov-2009

UNCLASSIFIED



[Redacted]

[Redacted]

02/08/2007 01:10 PM

To Adolfo Tarasiuk-Jr [Redacted]

(b)(3)

cc [Redacted]

bcc [Redacted]

Subject Congressional Notification about our 2006 FOIA Program

Here is the second congressional notification I mentioned in my e-mail last evening



Congresssional Notification FOIA 2006.doc .

APPROVED FOR RELEASE -
CIA INFO DATE: 09-Nov-2009

UNCLASSIFIED

UNCLASSIFIED

SUBJECT: (U) Central Intelligence Agency Files Annual Freedom of Information Act Report for Fiscal Year 2006

1. (U) On 23 January 2007 the Central Intelligence filed its annual Freedom of Information Act (FOIA) report for Fiscal Year 2006. The report to the Department of Justice contains several noteworthy facts and accomplishments, visibly demonstrating the Agency's commitment to the social contract with the American people General Hayden articulated.

2. (U) Despite receiving 2500 FOIA and Privacy Act (PA) requests for information, CIA reduced its overall backlog of outstanding FOIA/PA cases; reduced its backlog of the oldest cases, which we define as five or more years old; and reduced the median response time for both simple and complex requests.

- CIA reduced the backlog of outstanding FOIA cases by 8 per cent, which is the ninth consecutive fiscal year CIA has reduced the backlog. At the start of Fiscal Year 2007, the backlog stands at 896 cases, down from 5764 cases at the start of Fiscal Year 1998.
- CIA reduced the backlog of the very oldest FOIA cases, five or more years old, by 40 per cent, exceeding its target goal of 25 per cent. We went from 151 cases to 90, a reduction of 61 cases.
- CIA's median response time for complex cases (those with many issues or documents) is at an all time low of 59 days. In Fiscal Year 1999 the median response time in complex cases was 187 days, in Fiscal Year 2005 it was 68 days.

3. (U) Requesters are likely to receive some of the information they seek. In Fiscal Year 2007:

- Seventy one percent of requesters received some or all of the information for which they asked.
 - Sixteen percent of requesters received a full release of information.
 - Fifty five percent received a partial release of information.

UNCLASSIFIED

4. (U) CIA spent approximately \$10 million and used the equivalent services of 74 full time employees (FTEs) to achieve these results.

5. (U) Finally, CIA reported significant progress on meeting the goals in its FOIA improvement plan, required under Executive Order 13992 and filed with the Department of Justice and Office of Management and Budget in June, 2006. The areas the Agency targeted for improvement included:

- Overall website improvement (creating more intuitive links);
- Proactive disclosure of information (putting more information on the public website where it is easy to access, eliminating the need for a formal FOIA request);
- Backlog reduction;
- Improved communication with requesters (including assistance in helping them craft requests likely to result in responsive records);
- Tracking the progress of cases to ensure that they are constantly in process and not overlooked; and
- Updating the electronic automated data system CIA uses to process FOIA/PA requests.