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From: FOIA <FOIA@bea.gov>
Sent: Mon, May 18, 2020 2:32 pm
Subject: BEA FOIA Request: DOC-BEA-2020-000945

We are writing to respond to your request for, "A copy of the recently completed (BEA) FOIA Manual". This request was assigned tracking number: DOC-BEA-2020-000945.

We are releasing the information you requested in full. Please see the attached document.

This document was also uploaded to FOIAonline.

This request is now closed.

Please contact me if you have any additional questions.

Sincerely,

Dondi Staunton, BEA FOIA Officer
Phone: 301-278-9798

Freedom of Information Act Procedural Manual

Bureau of Economic Analysis
Communications Division

Approved by Director Brian Moyer on 2.10.2020



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Bureau of Economic Analysis

Freedom of Information Act (FOIA) Procedure

1. Receiving and Analyzing Requests

Freedom of Information Act (FOIA) requests are submitted as either “Fee Estimate” requests or “Search” requests. Some requests are assigned to the BEA FOIA Officer via a memo from the Office of Privacy and Open Government (OPOG) on FOIAonline, the federal FOIA management and tracking system (www.FOIAonline.gov). Other FOIA requests are received directly from the requester via email or the U.S. Postal Service. In these cases, the FOIA Officer will upload it to FOIAonline.

Upon receipt, the FOIA Officer reviews and analyzes the fee or search request, makes an initial determination, and sends it forward to the BEA FOIA Public Liaison. The FOIA Public Liaison will then concur or offer an alternative resolution.

Expedited Review. If the requester asks for expedited review and it is approved by the FOIA Officer, BEA must provide a complete response to the FOIA request within 10 calendar days. Expedited processes can only occur in the following circumstances:

- a. Threat to life or safety
- b. Loss of substantial due process rights
- c. Widespread and exceptional media interest involving questions about the government’s integrity that affect public confidence or
- d. An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information.

Under limited circumstances, an expedited process may be extended an additional 10 working days (see Attachment 1).

2. Processing the Request

A response to a FOIA request is required within 20 business days of the “perfected date.” The perfected date is the date that an agency has all the information it needs from the requester to consider the request “reasonably described.” To facilitate a timely resolution, the Department of Justice (DOJ) recommends 10 days for internal offices to respond to requests from their FOIA Officer. Additional time is allowed when the search has already begun and is taking additional time to complete due to the resources needed to complete the search, such as people, time, technology, and access to information. *Note:* In many cases a requester may be flexible on the timing, if the FOIA Officer communicates and provides regular status updates.

- a. **Fee Estimate Request.** The FOIA Officer completes fee estimates using rates provided by OPOG, when requested. The requester categories and fee types, described below, also affect the estimate.
 - i. If it is decided that BEA has no responsive records based on the scope of the request, the FOIA Officer informs the requester that there are no responsive records and the fee estimate is \$0.00. The FOIA Officer will then close the request.
 - ii. If BEA might have responsive records, the FOIA Officer will ask offices that might have them to complete the BEA FOIA Fee Estimate form (see Attachment 2—BEA FOIA Fee Estimate Form). After receiving these responses, the FOIA Officer will develop a fee estimate to send to OPOG and/or the requester (see Attachment 3—DOC Fee Estimate Request Sample). The fee estimate must be uploaded to FOIAonline to close the fee estimate task.
 - iii. A fee is not charged if the charges for processing the request are less than or equal to the cost of routine collection and processing of the fee. If the total of charges due for processing a request is \$25 or less, no fee will be charged for the first 100 pages of duplication. The first two hours of searches are free of charge per request, except for commercial use requesters (see Attachment 4—Fee Waiver). The following tables outline the FOIA Fee Categories and Fee Rates.

FOIA Fee Categories

FOIA hourly processing fees

| Type | Grade | Hourly rate |
|----------------|------------------------------------------------|-------------|
| Administrative | E-9/GS-8 and below | \$28 |
| Professional | Contractor/O-1 to O-6/W-1 to W-5/GS-9 to GS-15 | \$56 |
| Executive | O-7 and above and Senior Executive Service | \$128 |

[Source: Electronic Code of Federal Regulations, Title 15, Part 4, §4.11. Fees as of August 26, 2019](#)

Categories and chargeable fees

| Category | Chargeable fees |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| (i) Commercial use requesters | Search, Review, and Duplication. |
| (ii) Educational and noncommercial scientific institution requesters | Duplication (excluding the cost of the first 100 pages). |
| (iii) Representatives of the news media | Duplication (excluding the cost of the first 100 pages). |
| (iv) All other requesters | Search and Duplication (excluding the cost of the first 2 hours of search and 100 pages). |

Uniform fee schedule

| Service | Rate |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| (i) Manual search | Hourly rate from Table 1 of employee involved. |
| (ii) Computerized search | Actual direct cost, including operator time, using the hourly rate from Table 1, of the employee involved. |
| (iii) Review of records | Hourly rate from Table 1 of employee involved. |
| (iv) Duplication of records: | |
| (A) Paper copy reproduction | \$.08 per page. |
| (B) Other reproduction including converting paper into electronic formats, scanning, creating computer disks, printouts, or other electronically-formatted reproduction. This also includes uploading records made available to the requester into FOIAonline. | Actual direct cost, including operator time, using the hourly rate from Table 1 of the employee involved. |

b. Search Request

- i. FOIA Email and Search Form. In the event there may be responsive records, the FOIA Officer will use the BEA FOIA email account (FOIA@bea.gov) and the BEA FOIA Search Form (see Attachment 5—BEA FOIA Search Form) to task the request internally and to outline the scope. The FOIA Officer maintains these forms and this communication to document searches even when no responsive records are found.
- ii. Tasking. The FOIA Officer will task the appropriate BEA office(s) through the relevant executive to conduct the search. The FOIA Officer will also include BEA Administrative Representatives (and/or other appropriate officials or subject matter experts) on the task.
- iii. Types of Searches. Records may be physical or electronic. Most cases involve a search of electronic records, such as emails, by the Office of the Chief Information Officer (OCIO). Other common requests concern congressional correspondence files (located within the Communications Division) and BEA correspondence files (typically located within the Office of the Director, Communications Division, or the Administrative Services Division). Less frequently, requests may concern records from other BEA offices. FOIA searches are limited to existing agency records. FOIA neither requires nor permits BEA to generate new records in response to a FOIA request.
- iv. Interagency Agreements and Shared Services. In cases where BEA records are maintained by others under an interagency agreement or shared services, the FOIA Officer may collaborate with external offices including NIST (financial records), Census (human resources), Enterprise Services (human resources and acquisitions), and the Office of the General Counsel.
- v. Review. The FOIA Officer (and occasionally the FOIA Public Liaison) reviews the submitted records to determine if they are indeed responsive to the request.

3. Search Responses

- a. **No Responsive Records.** If it is determined that BEA does not have responsive records based on the scope of the request, the process ends and the FOIA Officer will close the task in FOIAonline.
- b. **Responsive Records.** If BEA may have responsive records, the exemption review process begins.
- c. **Publicly Available Information.** If the information being requested is publicly available, the FOIA Officer prepares a response directing the requester to the publicly available requested materials and then closes the request.

4. FOIA Exemptions

Responsive records are reviewed by the FOIA Officer to determine if they contain content that falls into one of the authorized exemption categories. In some cases, entire records will be exempt from FOIA and cannot be provided to the requester. In other cases, exempt sections will need to be redacted before the records may be provided to the requester. The FOIA Liaison will generally make final exemption/redaction determinations, but in select instances may seek a final determination from the BEA Director and/or advice from the Office of the Chief Counsel for Economic Affairs. The authorized category exemptions which prohibit releasing information under FOIA are:

- **Exemption 1.** Classified national defense and foreign relations information
- **Exemption 2.** Internal agency personnel rules and practices
- **Exemption 3.** Information that is prohibited from disclosure by another federal law
- **Exemption 4.** Trade secrets and other confidential or privileged commercial or financial information
- **Exemption 5.** Interagency or intra-agency communications that are protected by legal privileges, including the deliberative process, attorney-client, and attorney work-product privileges
- **Exemption 6.** Information involving matters of personal privacy
- **Exemption 7.** Records or information compiled for law enforcement purposes, to the extent that the production of those records:
 - (7)(A) could reasonably be expected to interfere with enforcement proceedings
 - (7)(B) would deprive a person of a right to a fair trial or impartial adjudication
 - (7)(C) could reasonably be expected to constitute an unwarranted invasion of personal privacy

- (7)(D) could reasonably be expected to disclose the identity of and/or information provided by a confidential source
 - (7)(E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecution or
 - (7)(F) could reasonably be expected to endanger the life or physical safety of any individual
- **Exemption 8.** Information relating to the supervision of financial institutions and
 - **Exemption 9.** Geological information on wells

In general, exemptions 2, 3, 5 and 6 are prospectively applicable to BEA records.

5. Closing the Task

After obtaining responsive results and applying appropriate exemptions and redactions, BEA will close the task by uploading the records into FOIAonline. If the request is a DOC request tasked by OPOG, rather than a direct request to BEA, the FOIA Officer will also upload a signed memo into FOIAonline, which OPOG will automatically receive. For requests submitted online, the requester will be notified via FOIAonline. However, if the requester submitted the request via mail or email, then the FOIA Officer will close the request in FOIAonline and send a response letter to the requester via mail or email.

6. Other Considerations

In addition to the guidance above, before releasing information to the public, the FOIA Officer and those working on each request should also consider other policies that directly impact the mission and work of BEA. A few laws, policies, and other guidance worth note include Title 22, Title 5 (the Privacy Act), the Confidential Information Protection and Statistical Efficiency Act, Title 13, and Title 26. The guidance provided within these policies directs BEA employees on the circumstances under which they are not allowed to provide information or data to a requester. Although FOIA operates under its own protocols, the Office of Management and Budget also provides policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by federal agencies. Therefore, BEA implements additional standards in its analysis of FOIA requests. Additional information on many of these policies follow.

Title 22. Within Title 22, the International Investment Survey Act of 1976 authorizes the collection, protection, and analysis of data on direct investment and services trade by BEA. It states data may only be used for “analytical or statistical purposes;” the data cannot be used for taxation, investigation, or

regulation; nor can the data be published or released in a manner that identifies the respondent company.

- a. **Action Item.** Do not release Title 22 information or even acknowledge that BEA may hold a particular company's information. For further information, please review:

Young Conservative Found. v. U.S. Dep't of Commerce, No. 85-3982, 1987 WL 9244, at *3-4 (D.D.C. Mar. 25, 1987). This case found that the International Investment Survey Act of 1976, 22 U.S.C. § 3104(c) (2006), qualified as an Exemption 3 statute under subpart (A)(i) because it "requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue."

- b. **Further Context.** When a requester asks for information that falls under Title 22, BEA cannot release or acknowledge possession of such data in a way that may breach the confidentiality of a survey respondent. For example, because many of the BEA surveys utilize a threshold sample, acknowledging that a firm responded to or is within the sample frame of a particular survey would reveal protected information about the company.

Title 13. A federal law, Title 13 authorizes and directs the Census Bureau to conduct censuses and surveys and sets out the standards of confidentiality for the data collected. The confidentiality provisions in Title 13 state that the Census Bureau may only use data collected under a Title 13 authority for statistical purposes and may not release any information in a way that would allow for the identification of an individual respondent. As with Title 22, under Title 13 it is also against the law to disclose or publish any personally-identifiable information collected under Title 13.

- a. **Action Item.** If a party is requesting Title 13 data, direct the requester to the Census FOIA Office.
- b. **Further Context.** Although this law applies specifically to the Census Bureau, it also impacts BEA work since BEA and the Census Bureau collaborate on several joint programs. BEA employees may work on assignments that involve the use of Title 13 protected data. Every person with access to respondent information is sworn for life to protect respondent confidentiality, even after leaving BEA or Census. Violation of this law carries severe penalties, including a federal prison sentence of up to five years, a fine of up to \$250,000, or both. Under FOIA, BEA has neither the authority nor the obligation to release data held under Title 13.

Title 26. Also known as the Internal Revenue Code, Title 26 authorizes the IRS to share federal tax information, or FTI, with BEA and Census for statistical purposes only. Violating Title 26 is a felony and carries severe penalties, including fines of up to \$600,000, a prison sentence of up to 22 years, or both. Title 26 data mixed with any other similarly protected data is considered comingled data. Unauthorized disclosure of comingled data is subject to the penalties under Title 26.

- a. **Action Item.** If the party is requesting Title 26 data, direct the requester to the appropriate office within the IRS.

- b. **Further Context.** Although this law applies specifically to the IRS, it also impacts BEA work since BEA and the Census Bureau collaborate on several joint programs. BEA employees may work on assignments that involve the use of Title 26 protected data. Every person with access to respondent information is sworn for life to protect taxpayer confidentiality, even after leaving BEA. Title 26 also places specific requirements on the Bureau of Economic Analysis and other agencies to which IRS has disclosed data regarding the safeguarding of returns and return information and authorizes severe criminal and civil penalties for any violations of these requirements. Under FOIA, BEA has neither the authority nor the obligation to release data held under Title 26.

Confidential Information Protection and Statistical Efficiency Act (CIPSEA). Within Title 44, CIPSEA establishes uniform confidentiality protections for information collected for statistical purposes by U.S. statistical agencies and allows some data sharing between the Bureau of Labor Statistics, Bureau of Economic Analysis, and Census Bureau.

- a. **Action Item.** If the party is requesting data shared with BEA under CIPSEA, direct the requester to the appropriate office within the relevant source agency (the Bureau of Labor Statistics or the Census Bureau).
- b. **Further Context.** Under CIPSEA and similar statistical confidentiality protection statutes, many federal statistical agencies make statutory pledges that the information respondents provide will be seen only by statistical agency personnel or their sworn agents and will be used only for statistical purposes. CIPSEA and similar statutes protect the confidentiality of information that agencies collect solely for statistical purposes and under a pledge of confidentiality. These acts protect such statistical information from administrative, law enforcement, taxation, regulatory, or any other nonstatistical use and immunize the information submitted to statistical agencies from legal process. Moreover, CIPSEA and many of these statutes carry criminal penalties of a Class E felony (fines up to \$250,000, or up to five years in prison, or both) for conviction of a knowing and willful unauthorized disclosure of covered information.

Title 5. The Privacy Act within Title 5 balances the government's need to maintain information about individuals with the rights of these individuals to be protected against unwarranted invasions of their privacy resulting from the collection, maintenance, use, and disclosure of personal information. In general, the Privacy Act focuses on four basic policy objectives:

- a. To restrict disclosure of personally identifiable records maintained by agencies
- b. To grant individuals increased rights of access to agency records maintained on them
- c. To grant individuals the right to seek amendment of agency records maintained on them upon showing that the records are not accurate, relevant, timely, or complete and

- d. To establish a code of “fair information practices” which requires agencies to comply with statutory norms for collection, maintenance, and dissemination of records

The Privacy Act applies only to U.S. citizens and aliens who are lawfully admitted for permanent residence in the United States. It applies only to personal information maintained by agencies in the Executive Branch of the federal government. The Privacy Act also pertains only to information that is maintained in a “system of records,” which the Act defines as a group of agency-controlled records from which information is retrieved by a unique identifier, such as an individual’s name, date of birth, social security number, or employee identification number.

The Privacy Act further defines a “record” as any individually identifiable set of information that an agency might maintain about a person. Such records may include a wide variety of personal information including, but not limited to, information about education, financial transactions, medical history, criminal history, or employment history. However, the Privacy Act explicitly states that agencies may not maintain information about how individuals exercise their First Amendment rights, unless maintenance of that information is specifically authorized by statute, by the individual about whom the record is maintained, or relates to a law enforcement activity.

- a. **Action Item.** If the party is requesting data subject to the Privacy Act, request that the submitter complete a Certification of Identity Form (see Attachment 6—Certification of Identity Form). If upon receipt of the form BEA validates the submitter’s identity, the FOIA Officer will work with appropriate offices that maintain the data.
- b. **Further Context.** There are two general exemptions and seven specific exemptions in the Privacy Act. The two general exemptions cover:
 - i. All records maintained by the Central Intelligence Agency (not applicable to the Small Business Administration (SBA)) and
 - ii. Selected records maintained by an agency or component thereof which performs as its principal functions any activity pertaining to the enforcement of criminal laws (only used by SBA Office of the Inspector General)

In addition, the Privacy Act provides seven specific exemptions:

- a. Information that is properly classified in the interest of national defense or foreign policy
- b. Investigatory material compiled for law enforcement purposes not covered by the general exemptions¹

¹ The specific law enforcement exemption is limited when—as a result of the maintenance of the records—an individual is denied any right, privilege, or benefit to which he or she would be entitled by federal law or for which he or she would otherwise be entitled. In such cases, disclosure is required except where it would reveal the identity of a confidential source who furnished information to the government under an express promise that the identity of the source would be held in confidence.

- c. Information maintained in connection with providing protective services to the President of the United States or other individuals who receive protection from the Secret Service
- d. Information required by statute to be maintained and used solely as statistical records
- e. Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence
- f. Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service, but only to the extent that the disclosure of such material would compromise the objectivity or fairness of the testing or examination process and
- g. Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence

FOIA Deliverables for OPOG. The FOIA Officer is responsible for providing deliverables to BEA offices, OPOG and/or the requester. These items are listed below.

- a. Expedited reviews
- b. Fee estimates
- c. Fee waivers
- d. BEA fee estimates
- e. BEA FOIA searches
- f. Quarterly FOIA reports (see Attachment 7)
- g. Annual FOIA Officer Report (see Attachment 8)
- h. Chief FOIA Officer Report (see Attachment 9)
- i. Certification of Identify forms

The FOIA Officer should maintain final versions of the items listed above in a FOIA folder on the shared drive of the BEA office managing the FOIA portfolio.

Addendum

Attachment 1. Expedited Review Extension Factors. Instances when an expedited process may be extended for an additional 10 working days.

Attachment 2. BEA Fee Estimate Form. Form used by BEA to generate a fee amount to send to the requester.

Attachment 3. DOC Fee Estimate Request Sample. OPOG form sent to all bureaus to request or capture costs for a search.

Attachment 4. Fee Waiver Factors. Instances when a requester will not be charged for a search.

Attachment 5. BEA FOIA Search Form. Form used by BEA to outline the scope of the search.

Attachment 6. Certification of Identify Form. Form that validates the identity of the requester.

Attachment 7. Quarterly FOIA Report 2019. OPOG report that tracks FOIA data/metrics quarterly

Attachment 8. Annual FOIA Report. OPOG report that tracks FOIA data/metrics on an annual basis.

Attachment 9. Chief FOIA Officer Report 2018 OPOG tasks to BEA to share with the Department of Justice.

Attachment 1. Expedited Review Extension Factors

The expedited process may be extended for an additional 10 working days if the following circumstances apply:

- a. There is a need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- b. There is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.
- c. There is a need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- d. If the scope of the request is unclear, the FOIA Officer confers with the FOIA Public Liaison and, if appropriate, contacts the requester to clarify the request. Or
- e. If it is a Privacy Act request, the FOIA Officer forwards the request to the BEA Privacy Act Officer in OCIO. When a request is both, FOIA review precedes Privacy Act review. The officers coordinate as needed following DOJ guidance.

Attachment 2. BEA FOIA Fee Estimate Form

For more information about FOIA
please visit: [FOIA Information](#)

| | |
|-----------|----------------------------------------------|
| FOIA # | <input type="text"/> |
| Due Date: | <input type="text"/> at <input type="text"/> |

BEA FOIA Fee Estimate Form

Name Office Date

Please refer to the originating e-mail for instructions and provide a fee estimate for the following BEA records:

*** This is not a real FOIA request and is being used for illustration purposes.***

Description: Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I am writing to request the following records in the possession of the Department of Commerce: Any directories, spreadsheets, e-mail lists, phone number lists, indexes, contact lists, or any other materials used to track or contact employees in the White House that are in the possession of the Department of Commerce. If applicable, I ask that these records include all information about issues or other tasks handled by each White House employee. If any portion of these records needs to be redacted, I ask that you release the responsive records in their entirety with any portions that are exempt under the Freedom of Information Act redacted. My request covers January 20, 2017 to the present.

Modified Description: Any directories, spreadsheets, e-mail lists, phone number lists, indexes, contact lists, +

Do you estimate that you have records responsive to this request? Yes | No

Please provide the following two estimates:

Electronic Files

Please estimate how long it will take to search your electronic files Hour(s) Minutes

~~~~~

#### Hard-Copy Files

Please estimate how long it will take to search your hard-copy files  Hour(s)  Minutes

Please provide pay band:


[Reset Form](#)

[Submit Form](#)

[Save Form](#)

[Print Form](#)

### Attachment 3. Department of Commerce Fee Estimate Request Sample

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                    |                  |                  |                   |                 |                        |                          |                        |                    |                  |                     |                   |  |
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| August 16, 2016                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                    |                  |                  |                   |                 |                        |                          |                        |                    |                  |                     |                   |  |
| MEMORANDUM FOR:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Bobbie Parson, OS/IOS</td> <td style="width: 50%;">Iris Boone, Census</td> </tr> <tr> <td>Pam Moulder, BEA</td> <td>Steven Kong, EDA</td> </tr> <tr> <td>Jennifer Kuo, BIS</td> <td>Justin Guz, ITA</td> </tr> <tr> <td>Josephine Arnold, MBDA</td> <td>Catherine Fletcher, NIST</td> </tr> <tr> <td>Wayne Strickland, NTIS</td> <td>Stacy Cheney, NTIA</td> </tr> <tr> <td>Mark Graff, NOAA</td> <td>Ricou Heaton, USPTO</td> </tr> <tr> <td>Raman Santra, OIG</td> <td></td> </tr> </table> | Bobbie Parson, OS/IOS | Iris Boone, Census | Pam Moulder, BEA | Steven Kong, EDA | Jennifer Kuo, BIS | Justin Guz, ITA | Josephine Arnold, MBDA | Catherine Fletcher, NIST | Wayne Strickland, NTIS | Stacy Cheney, NTIA | Mark Graff, NOAA | Ricou Heaton, USPTO | Raman Santra, OIG |  |
| Bobbie Parson, OS/IOS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Iris Boone, Census                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                    |                  |                  |                   |                 |                        |                          |                        |                    |                  |                     |                   |  |
| Pam Moulder, BEA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Steven Kong, EDA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                    |                  |                  |                   |                 |                        |                          |                        |                    |                  |                     |                   |  |
| Jennifer Kuo, BIS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Justin Guz, ITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                    |                  |                  |                   |                 |                        |                          |                        |                    |                  |                     |                   |  |
| Josephine Arnold, MBDA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Catherine Fletcher, NIST                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                       |                    |                  |                  |                   |                 |                        |                          |                        |                    |                  |                     |                   |  |
| Wayne Strickland, NTIS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Stacy Cheney, NTIA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                    |                  |                  |                   |                 |                        |                          |                        |                    |                  |                     |                   |  |
| Mark Graff, NOAA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Ricou Heaton, USPTO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |                    |                  |                  |                   |                 |                        |                          |                        |                    |                  |                     |                   |  |
| Raman Santra, OIG                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                    |                  |                  |                   |                 |                        |                          |                        |                    |                  |                     |                   |  |
| FROM:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Michael Toland, Ph.D.<br>Departmental FOIA Officer<br>Office of Privacy & Open Government                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                       |                    |                  |                  |                   |                 |                        |                          |                        |                    |                  |                     |                   |  |
| SUBJECT:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Fee Estimate for FOIA Request – Thomas Jones, Cannon Research Group - DOC-OS-2016-001611                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                       |                    |                  |                  |                   |                 |                        |                          |                        |                    |                  |                     |                   |  |
| <p>The Department has received a Freedom of Information Act (FOIA) request from Thomas Jones, Cannon Research Group. The FOIA requester is in the “All Other Requesters” category. The chargeable services for “All Other Requesters” are search and duplication.</p> <p>Please determine the search and duplication estimate with respect to responsive documents located within your office. <b>DO NOT SEARCH YET.</b> Rather, we need an <b>ESTIMATE</b> from you as to how many hours/pages you may locate for this request. <b>This is only a good faith estimate, you should not search in order to come up with the estimate.</b> Also, a search need not actually find documents in order to be chargeable, so long as, at the outset, there is a reasonable likelihood that there may be responsive documents, and the search is conducted with due diligence.</p> <p><b>Please fill in the following information and return this sheet by C.O.B. August 25, 2016 to: Michael Toland, Departmental Freedom of Information Officer, Office of Privacy and Open Government, Room 52010FB, Washington, D.C. 20230, Telephone – 202-482-3842, e-mail – <a href="mailto:mtoland1@doc.gov">mtoland1@doc.gov</a>.</b></p> <p><b>For documents responsive under the Freedom of Information Act:</b></p> <p><b>Total estimated number of pages of documents.</b> _____</p> <p><b>Total estimated hours for search.</b> _____</p> <p><b>Total estimated dollar amount for search.</b> _____</p> <p><b>This information is needed to compute a final estimated cost.</b></p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                    |                  |                  |                   |                 |                        |                          |                        |                    |                  |                     |                   |  |

## Attachment 4. Fee Waiver Considerations

The following factors may be considered when determining if the fees should be waived.

**Factor 1. The subject of the request.** If the subject of the requested records concerns "the operations or activities of the government." The subject of the requested records must concern identifiable operations or activities of the federal government, with a connection that is direct and clear, not remote.

**Factor 2. The informative value of the information to be disclosed.** If the disclosure is "likely to contribute" to an understanding of government operations or activities. The disclosable portions of the requested records must be meaningfully informative about government operations or activities in order to be "likely to contribute" to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either a duplicative or a substantially identical form, would not be as likely to contribute to such understanding when nothing new would be added to the public understanding.

**Factor 3. The contribution to an understanding of the subject by the public is likely to result from disclosure.** If disclosure of the requested information will contribute to "public understanding." The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area and ability and intention to effectively convey information to the public will be considered. It will be presumed that a representative of the news media will satisfy this consideration.

**Factor 4. The significance of the contribution to public understanding.** If the disclosure is likely to contribute "significantly" to public understanding of government operations or activities. The public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, must be enhanced significantly by the disclosure. The FOIA Officer will not make value judgments about whether information that would contribute significantly to public understanding of the operations or activities of the government is "important" enough to be made public.

**Factor 5. The existence and magnitude of a commercial interest.** If the requester has a commercial interest that would be furthered by the requested disclosure. The FOIA Officer will consider any commercial interest of the requester, or of any person on whose behalf the requester may be acting, that would be furthered by the requested disclosure. Requesters will be given an opportunity in the administrative process to provide explanatory information regarding this consideration.

**Factor 6. The primary interest in disclosure.** If any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester." A fee waiver or reduction is justified where the public interest standard is satisfied, and that public interest is greater in magnitude than that of any identified commercial interest in disclosure. FOIA Officers ordinarily will presume that when a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

## Attachment 5. BEA FOIA Search Form

For more information about FOIA  
please visit: [FOIA Information](#)

FOIA #   
Due Date:  at

### BEA FOIA Search Form

Name  Office  Date

Please conduct your search using the description(s) outlined below.

**\*\*\* This is not a real FOIA request and is being used for illustration purposes. \*\*\***

**Description:** Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I am writing to request the following records in the possession of the Department of Commerce: Any directories, spreadsheets, e-mail lists, phone number lists, indexes, contact lists, or any other materials used to track or contact employees in the White House that are in the possession of the Department of Commerce. If applicable, I ask that these records include all information about issues or other tasks handled by each White House employee. If any portion of these records needs to be redacted, I ask that you release the responsive records in their entirety with any portions that are exempt under the Freedom of Information Act redacted. My request covers January 20, 2017 to the present.

**Modified Description:** Any directories, spreadsheets, e-mail lists, phone number lists, indexes, contact lists, or any other materials used to track or contact employees in the White House that are in the possession of the

### Actual Search Results

Please provide the following information:

How long did it take you to search?  Hour(s)  Minute(s)

Please provide Pay Band and Interval:

Search term(s) used:

Where did you search?  Email  Calendar  Personal drive  Local computer files  Hard-copy files  Shared drive

Did you find responsive records?  Yes  No

|  |  |

## Attachment 6. Certification of Identify Form

| U.S. DEPARTMENT OF COMMERCE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------------------------------|--------------------------------------|----------------------------------------------|--------------|-----------------------------------|---------------------------------------------|--|--|
| <b>CERTIFICATION OF IDENTITY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <b>PRIVACY ACT STATEMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <p>In accordance with 15 CFR Section 4.24(d), the U.S. Department of Commerce requires you provide us with sufficient information to identify you when you submit requests by mail or otherwise not in person under the Privacy Act of 1974, 5 U.S.C. Section 552a. We take this step to ensure that we do not wrongfully disclose the records of individuals who are the subject of U.S. Department of Commerce systems of records. Providing this information is voluntary, however, if you do not provide it we will be unable to take action on your request, if you provide false information on this statement you may be subject to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <b>REQUESTER INFORMATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <b>1. Full name of requester/<br/>Subject of record(s) sought</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; border-bottom: 1px solid black; padding: 2px;"><i>Last – Please print or type</i></td> <td style="width: 33%; border-bottom: 1px solid black; padding: 2px;"><i>First – Please print or type</i></td> <td style="width: 33%; border-bottom: 1px solid black; padding: 2px;"><i>Middle – Please print or type</i></td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black; padding: 2px;"><i>Place of Birth – Please print or type</i></td> <td style="border-bottom: 1px solid black; padding: 2px;"><i>Date of Birth (mm/dd/yyyy)</i></td> </tr> </table>                                                                                                                                                                                      | <i>Last – Please print or type</i>                        | <i>First – Please print or type</i> | <i>Middle – Please print or type</i> | <i>Place of Birth – Please print or type</i> |              | <i>Date of Birth (mm/dd/yyyy)</i> |                                             |  |  |
| <i>Last – Please print or type</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <i>First – Please print or type</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <i>Middle – Please print or type</i>                      |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <i>Place of Birth – Please print or type</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <i>Date of Birth (mm/dd/yyyy)</i>                         |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <b>2. Current address</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3" style="border-bottom: 1px solid black; padding: 2px;"><i>Address – Number and street – Please print or type</i></td> </tr> <tr> <td style="border-bottom: 1px solid black; padding: 2px;"><i>City – Please print or type</i></td> <td style="border-bottom: 1px solid black; padding: 2px;"><i>State</i></td> <td style="border-bottom: 1px solid black; padding: 2px;"><i>ZIP Code</i></td> </tr> <tr> <td colspan="3" style="border-bottom: 1px solid black; padding: 2px;"><i>Email Address – Please print or type</i></td> </tr> </table>                                                                                                                                                                                                                        | <i>Address – Number and street – Please print or type</i> |                                     |                                      | <i>City – Please print or type</i>           | <i>State</i> | <i>ZIP Code</i>                   | <i>Email Address – Please print or type</i> |  |  |
| <i>Address – Number and street – Please print or type</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <i>City – Please print or type</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <i>State</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <i>ZIP Code</i>                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <i>Email Address – Please print or type</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <b>3. Requester status</b><br><i>Mark (X) appropriate box.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Self<br><input type="checkbox"/> Guardian of individual whose record(s) is sought – <i>Enclose copy of appointing document.</i><br><input type="checkbox"/> Parent of minor child whose record(s) is sought                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <b>4. Information being requested – Please describe in as much detail as possible.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <i>Please print or type</i><br><div style="border: 1px solid black; height: 40px; width: 100%;"></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <b>5. Declaration</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black; padding: 2px;"><i>Original Signature of Requester</i></td> <td style="width: 30%; border-bottom: 1px solid black; padding: 2px;"><i>Date</i></td> </tr> </table> | <i>Original Signature of Requester</i>                    | <i>Date</i>                         |                                      |                                              |              |                                   |                                             |  |  |
| <i>Original Signature of Requester</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <i>Date</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <b>6. Authorization to release information to another person.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><b>a. If you are authorizing information relating to yourself to be <b>released to another person</b> – Please fill in the information below:</b></p> <p><i>Name of authorized recipient – Please print or type</i></p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p><b>b. Further pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Commerce to release the above-described information relating to me.</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black; padding: 2px;"><i>Original Signature of Requester</i></td> <td style="width: 30%; border-bottom: 1px solid black; padding: 2px;"><i>Date</i></td> </tr> </table>                                                                                     | <i>Original Signature of Requester</i>                    | <i>Date</i>                         |                                      |                                              |              |                                   |                                             |  |  |
| <i>Original Signature of Requester</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <i>Date</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |
| <b>Office Use Only</b><br>PA/FOIA Control #<br><div style="border: 1px solid black; height: 20px; width: 100%;"></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                           |                                     |                                      |                                              |              |                                   |                                             |  |  |

## Attachment 7. Quarterly FOIA Report (FY 2019 Sample)

1. Of the total number of FOIA requests backlogged at the end of the 1st quarter of FY 2019, how many were backlogged for:

|                   |          |
|-------------------|----------|
| 21–120 days?      | 0        |
| 121–364 days?     | 0        |
| 365 or more days? | 0        |
| <b>Total</b>      | <b>0</b> |

2. Of the total number of FOIA requests backlogged at the end of the 1st quarter of FY 2019, how many:

|                                            |   |
|--------------------------------------------|---|
| Interim releases were sent?                | 0 |
| Still interested letters were sent?        | 0 |
| Contacts/proactive outreaches were made?   | 0 |
| Voluntary/negotiated extensions were made? | 0 |

3. Tracking Numbers and dates of receipt of the oldest perfected requests pending at the end of FY 2018 (these should be the same as the requests you reported for the FY 2018 Annual Report) and number of business days those requests were pending as of the end of December 2018.

| FOIAonline Tracking number | Dates of receipt | Total business days pending (total days open) as of 12/31/2018 | Dates closed |
|----------------------------|------------------|----------------------------------------------------------------|--------------|
| DOC-OS-2018-000392         | 12/18/2017       | 67                                                             | 3/20/2018    |
| DOC-IOS-2017-001234        | 7/12/2017        | 162                                                            | 4/9/2018     |

4. Of the oldest perfected FOIA requests pending at the end of FY 2018, how many were completed during the 1st quarter (October 1–December 31, 2018)?

|   |
|---|
| 2 |
|---|

5. Tracking Numbers and dates of receipt of the oldest appeals pending at the end of FY 2018 (these should be the same as the requests you reported for the FY 2018 Annual Report) and number of business days those appeals were pending as of the end of December 2018.

| FOIAonline Tracking number | Dates of receipt | Total # of business days pending (total days open) as of 12/31/18 | Dates closed |
|----------------------------|------------------|-------------------------------------------------------------------|--------------|
| Not applicable             | 0                |                                                                   |              |

6. Of the oldest FOIA appeals pending at the end of FY 2018, how many were completed during the 1st quarter (October 1–December 31, 2018)?

|                |   |
|----------------|---|
| Not applicable | 0 |
|----------------|---|

7. Total number of expedited processing requests received during the 1st quarter of FY 2019 (October 1–December 31, 2018).

|   |
|---|
| 0 |
|---|

8. Total number of expedited processing requests received during the 1st quarter of FY 2019 that were adjudicated within ten calendar days (October 1–December 31, 2018).

|   |
|---|
| 0 |
|---|

## Attachment 8. Annual FOIA Officer Report

*(Note: This is a sample only!!)*

The purpose of this document is to report prior fiscal year data and metrics, this document also includes details regarding the agency's administration of FOIA. OPOG collects this report from each bureau and then compiles all bureau reports in to one report that is sent to Congress.

### EXEMPTION 3 STATUTES

| Statute                                                      | Type of Information Withheld | Case Citation | Number of Times Relied Upon per Component | Total Number of Times Relied Upon by Agency |
|--------------------------------------------------------------|------------------------------|---------------|-------------------------------------------|---------------------------------------------|
| 9(a) (Census Act)                                            |                              |               |                                           |                                             |
| 13 U.S.C. §§ 8(b)                                            |                              |               |                                           |                                             |
| Marine Mammal Protection Act (16 U.S.C. 1361)                |                              |               |                                           |                                             |
| National Construction Safety Team Act (P.L. 107-231)         |                              |               |                                           |                                             |
| 13 U.S.C. §§ 8(b), 9(a) (Census Act)                         |                              |               |                                           |                                             |
| Magnuson-Stevens Act (16 U.S.C. 1801 et seq.)                |                              |               |                                           |                                             |
| 31 U.S.C. § 3730 (b)(2)                                      |                              |               |                                           |                                             |
| 50 U.S.C. § app. 2411(c) (Export Administration Act of 1979) |                              |               |                                           |                                             |

### FOIA REQUESTS

| A. Received, Processed and Pending FOIA Requests                                                          |                                                                                                            |                                            |                                            |            |                                        |                                             |                    |                                  |                                                     |                      |                   |       |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------------------------------|------------|----------------------------------------|---------------------------------------------|--------------------|----------------------------------|-----------------------------------------------------|----------------------|-------------------|-------|
|                                                                                                           | Number of Requests Pending as of Start of Fiscal Year                                                      |                                            | Number of Requests Received in Fiscal Year |            |                                        | Number of Requests Processed in Fiscal Year |                    |                                  | Number of Requests Pending as of End of Fiscal Year |                      |                   |       |
| Bureau Name                                                                                               |                                                                                                            |                                            |                                            |            |                                        |                                             |                    |                                  |                                                     |                      |                   |       |
| B. (1) Disposition of FOIA Requests—All Processed Requests                                                |                                                                                                            |                                            |                                            |            |                                        |                                             |                    |                                  |                                                     |                      |                   |       |
|                                                                                                           | Number of Full Denials Based on Reasons Other than Exemptions                                              |                                            |                                            |            |                                        |                                             |                    |                                  |                                                     |                      |                   |       |
|                                                                                                           | Number of Full Grants                                                                                      | Number of Partial Grants / Partial Denials | Number of Full Denials Based on Exemptions | No Records | All Records Referred to Another Agency | Request Withdrawn                           | Fee-Related Reason | Records Not Reasonably Described | Improper FOIA Request for Other Reasons             | Not an Agency Record | Duplicate Request | TOTAL |
| Bureau Name                                                                                               |                                                                                                            |                                            |                                            |            |                                        |                                             |                    |                                  |                                                     |                      |                   |       |
| B. (2) Disposition of FOIA Requests—Other Reasons for Full Denials Based on Reasons Other than Exemptions |                                                                                                            |                                            |                                            |            |                                        |                                             |                    |                                  |                                                     |                      |                   |       |
|                                                                                                           | Description of Other Reasons for Denials from Chart B.(1) & Number of Times Those Reasons Were Relied Upon |                                            |                                            |            |                                        |                                             |                    |                                  |                                                     |                      |                   | TOTAL |
| Bureau Name                                                                                               |                                                                                                            |                                            |                                            |            |                                        |                                             |                    |                                  |                                                     |                      |                   |       |



| <b>B. (3) Disposition of FOIA Requests—Number of Times Exemptions Applied</b> |       |       |       |       |       |       |          |          |          |          |          |          |       |       |
|-------------------------------------------------------------------------------|-------|-------|-------|-------|-------|-------|----------|----------|----------|----------|----------|----------|-------|-------|
|                                                                               | Ex. 1 | Ex. 2 | Ex. 3 | Ex. 4 | Ex. 5 | Ex. 6 | Ex. 7(A) | Ex. 7(B) | Ex. 7(C) | Ex. 7(D) | Ex. 7(E) | Ex. 7(F) | Ex. 8 | Ex. 9 |
| Bureau Name                                                                   |       |       |       |       |       |       |          |          |          |          |          |          |       |       |

**ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS**

| <b>A. Received, Processed and Pending FOIA Appeals</b> |                                                      |                                           |                                            |                                                    |
|--------------------------------------------------------|------------------------------------------------------|-------------------------------------------|--------------------------------------------|----------------------------------------------------|
|                                                        | Number of Appeals Pending as of Start of Fiscal Year | Number of Appeals Received in Fiscal Year | Number of Appeals Processed in Fiscal Year | Number of Appeals Pending as of End of Fiscal Year |
| Bureau Name                                            |                                                      |                                           |                                            |                                                    |

| <b>B. Disposition of Administrative Appeals All Processed Appeals</b> |                              |                                                                   |                                                  |                                            |       |
|-----------------------------------------------------------------------|------------------------------|-------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------|-------|
|                                                                       | Number of Affirmed on Appeal | Number Partially Affirmed & Partially Reversed/Remanded on Appeal | Number of Completely Reversed/Remanded on Appeal | Number of Appeals Closed for Other Reasons | TOTAL |
| Bureau Name                                                           |                              |                                                                   |                                                  |                                            |       |

| <b>C. (1) Reasons for Denial on Appeal Number of Times Exemptions Applied</b> |       |       |       |       |       |       |          |          |          |          |          |          |       |       |
|-------------------------------------------------------------------------------|-------|-------|-------|-------|-------|-------|----------|----------|----------|----------|----------|----------|-------|-------|
|                                                                               | Ex. 1 | Ex. 2 | Ex. 3 | Ex. 4 | Ex. 5 | Ex. 6 | Ex. 7(A) | Ex. 7(B) | Ex. 7(C) | Ex. 7(D) | Ex. 7(E) | Ex. 7(F) | Ex. 8 | Ex. 9 |
| Bureau Name                                                                   |       |       |       |       |       |       |          |          |          |          |          |          |       |       |

| <b>C. (2) Reasons for Denial on Appeal Reasons Other than Exemptions</b> |            |                                           |                   |                    |                                  |                                    |                   |                             |                       |                                                        |       |  |  |
|--------------------------------------------------------------------------|------------|-------------------------------------------|-------------------|--------------------|----------------------------------|------------------------------------|-------------------|-----------------------------|-----------------------|--------------------------------------------------------|-------|--|--|
|                                                                          | No Records | Records Referred at Initial Request Level | Request Withdrawn | Fee-Related Reason | Records Not Reasonably Described | Improper Request for Other Reasons | Not Agency Record | Duplicate Request or Appeal | Request in Litigation | Appeal Based Solely on Denial for Expedited Processing | Other |  |  |
| Bureau Name                                                              |            |                                           |                   |                    |                                  |                                    |                   |                             |                       |                                                        |       |  |  |

| <b>C. (3) Reasons for Denial on Appeal Other Reasons</b> |                                                                                                            |       |
|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------|
|                                                          | Description of Other Reasons for Denials from Chart C.(2) & Number of Times Those Reasons Were Relied Upon | TOTAL |
|                                                          |                                                                                                            |       |

| <b>C. (4) Response Time for Administrative Appeals</b> |                       |                        |                       |                        |
|--------------------------------------------------------|-----------------------|------------------------|-----------------------|------------------------|
|                                                        | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
| Bureau Name                                            |                       |                        |                       |                        |

| <b>C. (5) Ten Oldest Pending Administrative Appeals</b> |                                               |     |     |     |     |     |     |     |     |                |
|---------------------------------------------------------|-----------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|----------------|
|                                                         | 10th Oldest Appeal and Number of Days Pending | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Pending |
| Bureau Name                                             |                                               |     |     |     |     |     |     |     |     |                |

**FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS**

| <b>A. Processed Requests—Response Time for All Processed Perfected Requests</b> |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |
|---------------------------------------------------------------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|
|                                                                                 | SIMPLE                |                        |                       |                        | COMPLEX               |                        |                       |                        | EXPEDITED             |                        |                       |                        |
|                                                                                 | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
| Bureau Name                                                                     |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |

| <b>B. Processed Requests Response Time for Perfected Requests in Which Information Was Granted</b> |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |
|----------------------------------------------------------------------------------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|
|                                                                                                    | SIMPLE                |                        |                       |                        | COMPLEX               |                        |                       |                        | EXPEDITED PROCESSING  |                        |                       |                        |
|                                                                                                    | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
| Bureau Name                                                                                        |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |

| <b>C. Processed Requests Response Time in Day Increments</b> |           |            |            |            |             |              |              |              |              |              |              |              |           |       |
|--------------------------------------------------------------|-----------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
| Simple Requests                                              |           |            |            |            |             |              |              |              |              |              |              |              |           |       |
|                                                              | 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
| Bureau Name                                                  |           |            |            |            |             |              |              |              |              |              |              |              |           |       |

| <b>D. Complex Requests</b> |           |            |            |            |             |              |              |              |              |              |              |              |           |       |
|----------------------------|-----------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
|                            | 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
| Bureau Name                |           |            |            |            |             |              |              |              |              |              |              |              |           |       |

| <b>E. Expedited Requests</b> |           |            |            |            |             |              |              |              |              |              |              |              |           |       |
|------------------------------|-----------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
|                              | 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
| Bureau Name                  |           |            |            |            |             |              |              |              |              |              |              |              |           |       |

| <b>F. Pending Requests All Pending Perfected Requests</b> |         |                       |                        |                |                       |                        |                |                       |                        |
|-----------------------------------------------------------|---------|-----------------------|------------------------|----------------|-----------------------|------------------------|----------------|-----------------------|------------------------|
|                                                           | SIMPLE  |                       |                        | COMPLEX        |                       |                        | EXPEDITED      |                       |                        |
|                                                           | Pending | Median Number of Days | Average Number of Days | Number Pending | Median Number of Days | Average Number of Days | Number Pending | Median Number of Days | Average Number of Days |
| Bureau Name                                               |         |                       |                        |                |                       |                        |                |                       |                        |

| <b>G. Pending Requests Ten Oldest Pending Perfected Requests</b> |                                                |     |     |     |     |     |     |     |     |                                           |
|------------------------------------------------------------------|------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-------------------------------------------|
|                                                                  | 10th Oldest Request and Number of Days Pending | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Request and Number of Days Pending |
| Bureau Name                                                      |                                                |     |     |     |     |     |     |     |     |                                           |



**REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER**

| <b>A. Requests for Expedited Processing</b> |                |               |                                     |                                      |                                             |
|---------------------------------------------|----------------|---------------|-------------------------------------|--------------------------------------|---------------------------------------------|
|                                             | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate | Number Adjudicated Within Ten Calendar Days |
| Bureau Name                                 |                |               |                                     |                                      |                                             |
| <b>B. Requests for Fee Waiver</b>           |                |               |                                     |                                      |                                             |
|                                             | Number Granted | Number Denied | Median Number of Days to Adjudicate | Median Number of Days to Adjudicate  |                                             |
| Bureau Name                                 |                |               |                                     |                                      |                                             |

**FOIA PERSONNEL AND COSTS**

|             | <b>PERSONNEL</b>                   |                                               |                                      | <b>COSTS</b>     |                          |             |
|-------------|------------------------------------|-----------------------------------------------|--------------------------------------|------------------|--------------------------|-------------|
|             | Number of Full-Time FOIA Employees | Number of Equivalent Full-Time FOIA Employees | Total Number of Full-Time FOIA Staff | Processing Costs | Litigation-Related Costs | Total Costs |
| Bureau Name |                                    |                                               |                                      |                  |                          |             |

**FEES COLLECTED FOR PROCESSING REQUESTS**

|             | Total Amount of Fees Collected | Percentage of Total Costs |
|-------------|--------------------------------|---------------------------|
| Bureau Name |                                |                           |

**FOIA REGULATIONS**

| <b>A. Number of Times Subsection (c) Used</b>  |                                       |                                   |
|------------------------------------------------|---------------------------------------|-----------------------------------|
|                                                | Number of Times Subsection (c) Used   |                                   |
| Bureau Name                                    |                                       |                                   |
| <b>B. Number of Subsection (a)(2) Postings</b> |                                       |                                   |
| Bureau Name                                    | Number of Items Posted by FOIA Office | Number of Items Posted by Program |
|                                                |                                       |                                   |

**BACKLOGS, CONSULTATIONS, AND COMPARISONS**

| <b>A. Backlogs of FOIA Requests and Administrative Appeals</b>                                             |                                                                                                       |                                                                             |                                                                                                 |                                                                                                     |     |     |     |     |     |                                                |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-----|-----|-----|-----|-----|------------------------------------------------|
|                                                                                                            | Number of Backlogged Requests as of End of Fiscal Year                                                |                                                                             |                                                                                                 | Number of Backlogged Appeals as of End of Fiscal Year                                               |     |     |     |     |     |                                                |
| Bureau Name                                                                                                |                                                                                                       |                                                                             |                                                                                                 |                                                                                                     |     |     |     |     |     |                                                |
| <b>B. Consultations on FOIA Requests Received, Processed, and Pending Consultations</b>                    |                                                                                                       |                                                                             |                                                                                                 |                                                                                                     |     |     |     |     |     |                                                |
|                                                                                                            | Number of Consultations Received from Other Agencies that Were Pending as of Start of the Fiscal Year | Number of Consultations Received from Other Agencies During the Fiscal Year | Number of Consultations Received from Other Agencies that Were Processed During the Fiscal Year | Number of Consultations Received from Other Agencies that Were Pending as of End of the Fiscal Year |     |     |     |     |     |                                                |
| Bureau Name                                                                                                |                                                                                                       |                                                                             |                                                                                                 |                                                                                                     |     |     |     |     |     |                                                |
| <b>C. Consultations on FOIA Requests Ten Oldest Consultations Received from Other Agencies and Pending</b> |                                                                                                       |                                                                             |                                                                                                 |                                                                                                     |     |     |     |     |     |                                                |
|                                                                                                            | 10th Oldest Consultation and Number of Days Pending                                                   | 9th                                                                         | 8th                                                                                             | 7th                                                                                                 | 6th | 5th | 4th | 3rd | 2nd | Oldest Consultation and Number of Days Pending |
| Bureau Name                                                                                                |                                                                                                       |                                                                             |                                                                                                 |                                                                                                     |     |     |     |     |     |                                                |

| <b>D. Comparison of Numbers of Requests from Previous and Current Annual Report Requests Received, Processed, and Backlogged</b>              |                                                                                        |                                                                      |                                                                                       |                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------------------------------|----------------------------------------------------------------|
|                                                                                                                                               | NUMBER OF REQUESTS RECEIVED                                                            |                                                                      | NUMBER OF REQUESTS PROCESSED                                                          |                                                                |
|                                                                                                                                               | Number Received During Fiscal Year from Last Year's Annual Report                      | Number Received During Fiscal Year from Current Year's Annual Report | Number Processed During Fiscal Year from Last Year's Annual Report                    | Number Processed During Fiscal Year from Current Annual Report |
| Bureau Name                                                                                                                                   |                                                                                        |                                                                      |                                                                                       |                                                                |
|                                                                                                                                               | Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report |                                                                      | Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report |                                                                |
| Bureau Name                                                                                                                                   |                                                                                        |                                                                      |                                                                                       |                                                                |
| <b>E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report Appeals Received, Processed, and Backlogged</b> |                                                                                        |                                                                      |                                                                                       |                                                                |
|                                                                                                                                               | NUMBER OF APPEALS RECEIVED                                                             |                                                                      | NUMBER OF APPEALS PROCESSED                                                           |                                                                |
|                                                                                                                                               | Number Received During Fiscal Year from Last Year's Annual Report                      | Number Received During Fiscal Year from Current Annual Report        | Number Processed During Fiscal Year from Last Year's Annual Report                    | Number Processed During Fiscal Year from Current Annual Report |
| Bureau Name                                                                                                                                   |                                                                                        |                                                                      |                                                                                       |                                                                |
|                                                                                                                                               | Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report  |                                                                      | Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report  |                                                                |
| Bureau Name                                                                                                                                   |                                                                                        |                                                                      |                                                                                       |                                                                |

## Attachment 9. Chief FOIA Officer Report Template

*(Note: This is a template of the FY 2018 Report.)*

The purpose of this report is to show the key steps that agencies have taken over the year to improve FOIA performance. OPOG collects this report from each bureau and then compiles all bureau reports in to one report that is sent to the Department of Justice.

### Section 1. Steps Taken to Apply the Presumption of Openness

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

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

#### A. FOIA Training

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

**Yes**

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

**Quarterly FOIA Council Meetings, where the following topics were discussed:**

- FOIAonline updates
- Department FOIA regulations
- Department FOIA Public Reference Guide
- Backlogged requests
- FOIA determination letter language
- Notices extending FOIA time limits due to unusual circumstances

**FOIA Roundtable Discussion, where the following topics were discussed:**

- FOIA metrics
- Summary FOIA backlog
- Age of backlogged FOIA requests
- Ten oldest FOIA requests closed in FY
- Backlogged FOIA requests with reduced litigation risks
- Summary FOIA backlog changes FOIA metrics

- Annual and Chief FOIA Officer reports
- Department FOIA regulations update

**BEA staff also took advantage of the multiple FOIA online training modules.**

3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.  
**Eighty percent of FOIA staff attended training.**
4. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80 percent of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

#### **B. Outreach**

5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of FOIA?  
**BEA did not conduct any outreach programs regarding FOIA during the year.**

#### **C. Other Initiatives**

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under FOIA.  
**BEA FOIA professionals have intentionally collaborated with non-FOIA professionals (such as BEA staff and senior officials within its Directorates, as well as the BEA Office of the Chief Information Officer) to inform them of their obligations under FOIA.**
7. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.  
**Updates are provided as needed during senior management meetings and in one-on-one meetings, depending upon the subject matter.**

## Section 2. Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

DOJ FOIA Guidelines emphasize that “[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests.”<sup>2</sup> It is essential that agencies effectively manage their FOIA program.

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

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

**BEA did not expedite any requests in FY 2017.**

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

**Not applicable**

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

**No**

*Note:* In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on the [OIP website](#) for all agencies to use.

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

**BEA has not had a demand for these services.**

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<sup>2</sup> See <https://www.justice.gov/oip/chief-foia-officer-report-agency-received-more-50-requests>.

5. Optional Survey Question: If possible, please provide an estimate of the average number of pages that your agency processes for each request. You may provide estimates for each track.
6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.  
**BEA uses the FOIA Council to raise and/or remedy issues and concerns with FOIAonline.**

### Section 3. Steps Taken to Increase Proactive Disclosures

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

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

1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.  
**BEA did not have any proactive disclosures in FY 2017, nor was there a need to publicize any proactive disclosures in FY 2017.**
2. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.  
**BEA did not have any proactive disclosures in FY 2017, nor was there a need to publicize any proactive disclosures in FY 2017.**
3. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?  
**BEA is currently revamping its website. Upon completion, BEA will provide a new link to FOIA information.**
4. If yes, please provide examples of such improvements.  
**The new BEA website will provide a link to all FOIA information.**



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

**Not applicable**

## Section 4. Steps Taken to Greater Utilize Technology

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

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

1. Has your agency identified any best practices to leverage technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes please describe the best practices, the types of technology used and the impact on your agency's processing.  
**BEA is currently researching a software tool called Salesforce.**
2. Did your agency successfully post all four quarterly reports for Fiscal Year 2017?  
**BEA provided this information to the Department of Commerce, which consequently posted the information at an aggregate level.**
3. If your agency did not successfully post all quarterly reports with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2018.  
**Not applicable**
4. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2016 Annual FOIA Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report.  
**This is done at the Department level and not by the individual bureaus.**

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

**Not applicable**

## **Section 5. Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

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

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

### **A. Simple Track**

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests—Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multitrack system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?  
**No**
2. If so, for your agency overall in Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer for your agency overall in Fiscal Year 2017?  
**Not applicable**
3. Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.  
**Not applicable**
4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?  
**Not applicable**

## **B. Backlogs**

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

### ***Backlogged Requests***

5. If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?  
**Not applicable**
6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:
  - An increase in the number of incoming requests
  - A loss of staff
  - An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
  - Any other reasons—please briefly describe or provide examples when possible
7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2017.  
**Not applicable**

### ***Backlogged Appeals***

8. If your agency had a backlog of appeals at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?  
**Not applicable**
9. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:
  - An increase in the number of incoming appeals.
  - A loss of staff.

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

**Not applicable**

10. If you had an appeal backlog, please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A."

**Not applicable**

### **C. Backlog Reduction Plans**

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

**Not applicable**

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018?

**Not applicable**

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

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

#### ***Ten Oldest Requests***

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

**There were two pending requests that were closed a few days after FY 2018 began.**

14. If not, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

**Not applicable**

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

**Not applicable**

### ***Ten Oldest Appeals***

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

**Not applicable**

17. If not, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

**Not applicable**

### ***Ten Oldest Consultations***

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

**Not applicable**

19. If not, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

**Not applicable**

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

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.

**Not applicable**

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

**Not applicable**

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2017.

**Not applicable**

#### **F. Success Stories**

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

**BEA continues to improve its website to increase data availability and improve data usability for the public.**