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Description of document: Drug Enforcement Administration (DEA) Chief Freedom of Information Act (FOIA) Officer's Reports, 2019-2023

Requested date: 27-March-2023

Release date: 08-May-2023

Posted date: 07-August-2023

Source of document: Drug Enforcement Administration  
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**U.S. Department of Justice**  
Drug Enforcement Administration  
FOIA and Privacy Act Unit  
8701 Morrisette Drive  
Springfield, VA 22152

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May 8, 2023

Case Number: 23-00489-F

Subject: A copy of the DEA "Chief FOIA Officer Report" for each of the last five years

*Sent via e-mail*

This letter responds to your Freedom of Information Act/Privacy Act (FOIA/PA) request dated March 27, 2023, addressed to the Drug Enforcement Administration (DEA), FOIA/PA Unit, seeking access to information regarding the above subject. Enclosed, 70 pages identified during the processing of your request are being released to you in full.

The rules and regulations of the DEA applicable to FOIA/PA requests are contained in the Code of Federal Regulations, Title 28, Part 16, as amended. They are published in the Federal Register available to the public (see <https://www.ecfr.gov/current/title-28/chapter-I/part-16>).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison at (571) 776-2300 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at 1-877-684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with DEA's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you have any questions regarding this letter, you may contact FOIA/PA Unit representative Djuana C. Lewis at (571) 776-2988 or via e-mail at [Djuana.C.Lewis@dea.gov](mailto:Djuana.C.Lewis@dea.gov).

Sincerely,

**JOSHUA DELO**

Digitally signed by JOSHUA

DELO

Date: 2023.05.08 13:22:29 -04'00'

Joshua L. Delo

Unit Chief

Processing Sub-Unit

Freedom of Information and Privacy Act Unit

Enclosures



## Drug Enforcement Administration 2019 Chief FOIA Officers Report Component Questionnaire

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### **Contact Information:**

1. Component Point of Contact Name: Katherine L. Myrick
  2. POC email: Katherine.L.Myrick@usdoj.gov
  3. POC phone: 202-307-7613
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### **Section 1: Steps Taken to Apply the Presumption of Openness**

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

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

#### **FOIA Training**

1. Did your FOIA professionals or the personnel at your component 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.

DEA's FOIA professionals attended FOIA training conducted by the DEA Office of Chief Counsel and the Department of Justice (DOJ), Office of Information Policy. DEA FOIA professionals have also conducted training for DEA employees. Training included:

- 1) DEA/SARF Exemptions Application and Processing Training
- 2) DOJ Office of Privacy and Civil Liberties (OPCL) – Privacy Act of 1974 (5 U.S.C. § 552a)
- 3) FOIAXpress User Conference & Technology Summit hosted by AINS
- 4) 2018 DOJ Annual Report Training
- 5) OIP's Freedom of Information Act for Attorneys and Access Professionals
- 6) OIP's Introduction to the Freedom of Information Act
- 7) OIP's Annual FOIA Conference
- 8) DEA's FOI/Records Management Section Chief has conducted FOIA training at the 2018 Annual Administrative Officers Conference and for DEA Headquarters Divisions' Administrative Coordinators

### **FOIA Training (Continued)**

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.

DEA estimates that 100 percent of the FOIA professionals within DEA/SARF have attended FOIA training during this reporting period.

4. OIP has [directed agencies](#) to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your component's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

See answer to question 3.

### **Outreach**

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

DEA/SARF is working toward developing an online survey in an effort to solicit requester feedback to improve customer service, response times, and experience. Currently, DEA/SARF is working towards complying with Section 508 of the Rehabilitation Act prior to publishing the

online survey. The online tool will assist DEA in targeting repeat requesters to improve response times and create a partnership with the public at-large. DEA/SARF also continues to operate the Requester Service Center that is available during normal business hours. Guidance is provided to the public on a variety of topics to include FOI/PA policies and procedures. Also, a DEA FOIA Public Liaison is available during normal business hours to assist requesters with more complex questions/concerns.

### **Other Initiatives**

6. Describe any efforts your component has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In 2016, the Department publicized FOIA-related performance standards for employees that have any role in administering the FOIA, including non-FOIA professionals. Please also indicate whether your component has considered including FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA.

Since 2016, DEA has included FOIA-related performance standards in the Performance Work Plan for employees who have a role in administering/handling FOIA requests.

Since 2017, DEA FOIA professionals partnered with the Human Resources Division to distribute the FOIA/PA Guidebooks to each newly hired DEA employee. This handbook outlines employees' responsibilities for complying with the FOIA/PA and outlines DEA's internal FOIA processes and procedures. Additionally, during the 2018 Sunshine Week celebration, FOIA resources were posted internally on DEA's intranet site for all of employees.

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

DEA FOIA professionals continued to meet with stakeholders in the Office of Forensic Sciences (SF), the Office of Information Systems (SI), and Office of Resource Management (FR) to discuss updating and deployment of data from the DEA System to Retrieve Information from Drug Evidence (STRIDE) database. These efforts will be continued into 2019.

DEA's Diversion Control Division (DC) continues to update and post data from the Automation of Reports and Consolidated Orders System (ARCOS)). ARCOS is one of the most frequently requested records from FOIA requesters. ARCOS is a comprehensive drug reporting system which monitors the flow of DEA controlled substance from their point of manufacture through commercial distribution channels to the point of sale or distribution at the dispensing/retail level.

Additionally, FOIA logs are posted on the DEA FOIA website for requesters to view. The logs can be utilized by prospective requesters to determine the types of records DEA maintains.

During 2018, DEA also updated the public-facing FOIA website. Frequently requested agency records were added to the website and these efforts will continue into Fiscal Year 2019.

See [http://www.dea.gov/FOIA\\_library.shtml](http://www.dea.gov/FOIA_library.shtml).

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

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

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

**Processing Procedures**

1. For Fiscal Year 2018, what was the average number of days your component reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your component's Fiscal Year 2018 Annual FOIA Report.

15.59 days

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

To reduce the average number of days to adjudicate requests for expedited processing, DEA FOIA professionals meet twice per week to review/adjudicate requests for expedited processing. This weekly meeting is conducted to ensure that requesters are advised sooner rather than later about the status of their expedited treatment requests.

3. During the reporting period, did your component 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.

DEA's FOI/Records Management Section Chief, FOIA/Privacy Act Unit Chief, and subordinate supervisory staff conducted a continuous self-assessment of the FOIA Program throughout FY 2018. Several internal process changes were implemented to strengthen the agency's compliance with the FOIA/PA. Individual employee and the office-wide workload were closely monitored through tracking systems (i.e. FOIAXpress). FOIA supervisors conducted effective oversight and assessment of all cases assigned to their teams throughout the course of requests. Risks were identified and mitigated, and action plans were developed as needed to move complex cases forward. Internal policies were updated and communicated with all FOIA staff. The FOIA management team met regularly, identified areas for improvement, and implemented changes were necessary. DEA did not utilize OIP's FOIA Self-Assessment Toolkit during 2018. However, DEA plans to use the Self-Assessment Toolkit during 2019.

DEA FOIA management and Office of Chief Counsel attorneys partnered to establish the Initial Review Team (IRT). The IRT members review all incoming FOIA/PA requests and make initial determinations regarding where to search for agency records, identify incomplete or overly broad requests, discuss fee categories, closely analyze requests for sensitive DEA records, and forward the



requests and notes from IRT's initial determinations to the appropriate team for processing. This intake process provides a clear path forward for the government information specialists assigned to process the FOIA/PA requests. The IRT also provides a means for identifying requests for expedited treatment sooner rather than later.

### **Requester Services**

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 component's FOIA Public Liaison during FY 2018 (please provide a total number or an estimate of the number).

The DEA FOIA Public Liaison is available to speak with requesters during normal business hours. It is estimated that the DEA FOIA Public Liaison receives over 100 telephone calls/email communications per month. DEA estimates that the DEA FOIA Public Liaison is utilized about 75 percent of the time to answer and resolve countless questions daily from requesters (who have already filed FOIA/PA requests), the public who seek information on the process of filing FOI/PA requests, as well as inquiries regarding the types of records maintained at DEA.

### **Other Initiatives**

- 5 Please describe any best practices your component has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., additionally, please identify any challenges.

DEA SARF utilized Information Technology software programs to review and analyze data responsive to voluminous FOIA requests and litigation. Such tools provided advanced searching and analytics, de-duplication, and enabled staff to effectively organize enormous data sets.

Additionally, DEA SARF is exploring acquiring additional IT tools which will enable SARF staff to improve document processing particularly for requests that involve thousands of documents. This technology will assist FOIA professionals by improving search processes, identifying duplicate and near duplicate records including email threads, ensuring redactions are consistent across released documents, and automatically create audit logs to ensure compliance and to support legal actions.

The cost in securing the necessary IT tools would be the greatest challenge along with the utilization of two systems could be a learning curve for SARF employees.

### **Section III: Steps Taken to Increase Proactive Disclosures**

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

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

#### **Posting Material**

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

DEA FOIA office has implemented a two-tier process, that upon receipt of a request, a query is conducted through the FOIAXpress database to identify materials for potentially proactive disclosures. Frequently requested records are identified by staff and prioritized by management for posting on DEA.gov. The following are links to DEA proactive disclosures:

##### **Press Releases:**

<https://www.dea.gov/press-releases>

##### **Drug Prevention Resources:**

<https://www.dea.gov/drug-prevention>

##### **Current List of Most Wanted Fugitives:**

<https://www.dea.gov/fugitives>

##### **Intelligence Publications:**

[https://www.dea.gov/documents?field\\_document\\_document\\_type\\_value=Publication&field\\_document\\_publication\\_type\\_value=Intelligence](https://www.dea.gov/documents?field_document_document_type_value=Publication&field_document_publication_type_value=Intelligence)

##### **Forensic Sciences Publications:**

[https://www.dea.gov/documents?field\\_document\\_document\\_type\\_value=Publication&field\\_document\\_publication\\_type\\_value=Forensics](https://www.dea.gov/documents?field_document_document_type_value=Publication&field_document_publication_type_value=Forensics)

##### **Micrograms:**

[https://www.dea.gov/documents?sort\\_bef\\_combine=field\\_document\\_date\\_value%20DESC&field\\_document\\_document\\_type\\_value=Microgram&field\\_document\\_publication\\_type\\_value=All&field\\_document\\_drug\\_categories\\_target\\_id=All&field\\_document\\_topics\\_target\\_id=All](https://www.dea.gov/documents?sort_bef_combine=field_document_date_value%20DESC&field_document_document_type_value=Microgram&field_document_publication_type_value=All&field_document_drug_categories_target_id=All&field_document_topics_target_id=All)

FOIA Logs and other frequently requested agency records. See:

[http://www.dea.gov/FOIA/FOIA\\_library.shtml](http://www.dea.gov/FOIA/FOIA_library.shtml).



2. Please describe how your component identifies records that have been requested and released three or more times (and are therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a)(2)(D)).

See response above.

**Posting Material (Continued)**

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

Yes. During 2018, DEA fully updated the public-facing website. The new and improved website is more informative, user-friendly, and easier to navigate.

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

In 2018, DEA updated the FOIA request form and created a separate Privacy Act request form so that individuals who regularly access our website can easily determine which type of request to file (note: updated forms are expected to be posted in the spring of 2019).

Additional improvements to DEA's public-facing FOIA/PA webpage include:

- Separate webpages were created for FOIA and the Privacy Act and provide the public with a clearer, more concise overview of both Acts;
- Additional links to OIP and DOJ's Office of Privacy and Civil Liberties (OPCL) webpages were added;
- Links to OIP's FOIA webpage translated into Spanish was added;
- Agency records were added to the FOIA Library and DEA.gov publications site (see #1 above).

DEA's goal is to post additional records to the FOIA Library in 2019 and obtain the necessary funding to make all documents compliant with Section 508 of the Rehabilitation Act.

5. Please describe the best practices used to improve proactive disclosures and any challenges your component faces in this area.

DEA's FOIA professionals have been challenged by posting material on DEA.gov due to the lack of resources and funding needed to make documents compliant with Section 508 of the Rehabilitation Act. Funding was requested in the FY 2019 budget to enable DEA to utilize a vendor to assist with this process.

Additionally, FOIA staff will have the ability to add records to DEA.gov in the near future; thus eliminated the need to go through another DEA HQ office to post records to the DEA.gov site.

DEA's FOIA professionals continue to engage with field and Headquarters offices to identify frequently requested data and information, and our offices work together to identify materials for posting on DEA.gov.

#### **Section IV: Steps Taken to Greater Utilize Technology**

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

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

1. Is your component leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used. If not, please explain why and please describe the typical search process used instead.

DEA utilizes the Office of Information Systems to perform all e-mail searches. Information Technology tools has enabled DEA to perform more efficient enterprise-wide email searches. These tools provide advanced searching and analytics, eliminate redundant data, and allow for DEA's FOIA professionals to more efficiently redact and produce information in response to FOIA/PA requests.

Additionally, SARF continues to meet with the individuals responsible for DEA.gov web content to communicate the need for increased posting additional materials as part of DEA's proactive disclosures. DEA continues to communicate with our public affairs professionals to discuss ways in which DEA can increase the frequency of posting information online.

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

During FY 2018, DEA/SARF made extensive updates the DEA.gov FOIA website and posted additional information that is more user-friendly. Separate webpages were created for FOIA and the Privacy Act and provide the public with a clearer, more concise overview of both Acts. Additional links to OIP and OPCL's websites were also added. During 2018, additional requests records were added to the FOIA Library. Links to other DEA data sets and information were also included (i.e. Automated Reports and Consolidated Ordering System (ARCOS)) and FOIA Logs and Annual Reports). DEA's goal is to post additional records to the FOIA Library in 2019 and obtain the necessary funding to make all documents compliant with Section 508 of the Rehabilitation Act.

3. Please describe the best practices used in greater utilizing technology and any challenges your component faces in this area.

See response #5 under "Other Initiatives."

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

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

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

**Backlogged Requests**

1. If your component had a backlog of requests at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

No

2. If not, explain why and describe the causes that contributed to your component 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.

DEA has experienced an increase in the number of incoming requests from a variety of requesters. These cases were complex in nature and substantially contributed to the increase in the backlog. These types of requests include information regarding large pharmaceutical companies (McKesson, Amerisource Bergen); aggregated production quotas for all types of opioids and marijuana eradication programs to name a few. DEA FOIA experienced the departure of five FOIA professional (to include contractors) during this reporting period. This reduction in force has challenged our ability to respond to requesters in a timely manner.

**Backlogged Requests (Continued)**

3. 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 component in Fiscal Year 2018.

The percentage of the backlog is 7.1 % for Fiscal Year 2018.

4. If your component had a backlog of requests in Fiscal Year 2018, what is your component's plan to reduce this backlog during Fiscal Year 2019?

DEA is in the process of advertising positions for three additional Government Information Specialists and two Supervisory Government Information Specialists.

*Success Stories*

Out of all the activities undertaken by your component since March 2018 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 component's efforts.

The success story can come from any one of the five key areas. **All components 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. The best success stories will be highlighted in the Department's report and showcased with other agency success stories during Sunshine Week 2019.



## **2020 Chief FOIA Officers Report Component Questionnaire Drug Enforcement Administration**

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### **Contact Information:**

1. Component Point of Contact (POC) Name: Acting Unit Chief Angela D. Hertel
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  3. POC phone: (202) 307-4285
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## **Section 1: Steps Taken to Apply the Presumption of Openness**

### **FOIA Training**

1. Did your FOIA professionals or the personnel at your component 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.

- FOIAXpress User Conference & Technology Summit hosted by AINS
- Department of Justice (DOJ) Annual Report Training
- OIP's FOIA Annual Report Refresher Training
- Office of Information Policy's (OIP) Freedom of Information Act for Attorneys and Access Professionals
- OIP's Introduction to the Freedom of Information Act
- OIP's Advanced Freedom of Information Seminar
- DOJ Annual FOIA Conference
- Drug Enforcement Administration's (DEA), Freedom of Information and Privacy Act Unit (FSRF) staff conducted FOIA training for employees and managers assigned to DEA's Intelligence Division.

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.

DEA estimates 43 percent of the FSRF staff have attended FOIA training during this reporting period. However, all DEA FOIA staff is signed up for OIP FOIA training for Calendar Year 2020.

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

Not applicable: see response to question number 3.

### **Outreach**

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

Yes. DEA's Freedom of Information and Privacy Act Unit (FSRF) continues to operate the Requester Service Center which is available to the public during normal business hours. The FSRF Requester Service Center assists members of the public by identifying information which is already posted and available on DEA's public facing website thereby potentially obviating the need to make a FOIA request. The Requester Service Center also informs potential requesters about the types of records maintained by DEA and provides suggestions for formulating requests, describes DEA's various processing tracks, provides the average processing times for the various tracks, and answers questions about expedited processing standards and the FOIA's fee provisions. In addition, the FOIA Public Liaison is available during normal business hours to assist requesters with more complex questions/concerns.

### **Other Initiatives**

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

DEA's Human Resources Division distributes a FOIA/PA Guidebook to newly hired DEA employees. This guidebook outlines agency employees' responsibilities for complying with the FOIA/PA and summarizes DEA's internal FOIA processes and procedures.

FSRF collaborates with DEA's Office of Congressional and Public Affairs every March to highlight Sunshine Week on DEA's intranet site. The information published on the internal website educates DEA employees about both Acts and emphasizes the importance of open and transparent government. It also directs DEA employees to FSRF's internal webpage which contains additional FOIA/PA trainings and reading materials.

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

1. For Fiscal Year 2019, what was the average number of days your component reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your component's Fiscal Year 2019 Annual FOIA Report.

14.79

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

To reduce the average number of days to adjudicate requests for expedited processing, FSRF staff meet weekly to review and adjudicate requests for expedited processing. This weekly meeting is conducted to ensure that requesters are advised sooner rather than later about the status of their expedited treatment requests.

3. During the reporting period, did your component 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.

DEA's FOI/Records Management Section Chief, FSRF Acting Chief, and subordinate supervisory staff conducted a continuous self-assessment of the FOIA Program throughout Fiscal Year (FY) 2019. Several internal process changes were implemented to strengthen the agency's compliance with the FOIA/PA. Individual employee and the office-wide workload were closely monitored through tracking systems (i.e. FOIAXpress). FSRF supervisors conducted effective oversight and assessment of all cases assigned to their teams throughout the course of requests. Risks were identified and mitigated, and action plans were developed as needed to move complex cases forward. Internal policies were updated and communicated with all FSRF staff. The FSRF management team met regularly, identified areas for improvement, and implemented changes where necessary. Currently, FSRF is in the process of completing OIP's FOIA Self-Assessment Toolkit. FSRF intends to use OIP's FOIA Self-Assessment Toolkit to identify additional areas for improvement in DEA's FOIA Program.

FSRF management has also partnered with DEA's Office of Chief Counsel attorneys to review all incoming FOIA/PA requests through the Initial Review Team (IRT). The IRT members review all incoming FOIA/PA requests and make initial determinations regarding where to search for agency records, identify incomplete or overly broad requests, discuss fee categories, closely analyze requests for sensitive DEA records, and forward the requests and notes from the IRT's initial determinations to the appropriate team for processing. This intake process provides a clear path forward for the government information specialists assigned to process the FOIA/PA requests. The IRT also provides a means for identifying requests for expedited treatment sooner rather than later. The IRT also quickly identifies deficient requests and works with the requesters to reformulate requests when needed.

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 component's FOIA Public Liaison during fiscal year 2019 (please provide a total number or an estimate of the number).

The FOIA Public Liaison and the Requester Service Center are available to speak with requesters during normal business hours. The IRT manages the Requester Service Center in conjunction with the FOIA Public Liaison. It is estimated that Requester Service Center receives over 100 telephone calls/email communications per month. The members of the IRT answer and resolve countless questions daily from requesters (who have already filed FOIA/PA requests). The IRT also answers questions from members of the public regarding how to file a FOIA/PA request and responds to all inquiries regarding the types of records maintained at DEA. With the efficiency of the IRT and the Requester Service Center, the FOIA Public Liaison spends about five percent of the time assisting the public. Any questions that the Requester Service Center is unable to answer are addressed by the FOIA Public Liaison.

## 5. Optional - Please describe:

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

FSRF utilized Information Technology (IT) software programs to review and analyze data responsive to voluminous FOIA requests and litigation. Such tools provided advanced searching and analytics, de-duplication, and enabled staff to effectively organize enormous data sets.

Additionally, FSRF acquired an additional FOIAXpress “add on” tool, Electronic Document Review, which will enable FSRF staff to improve document processing particularly for requests that involve thousands of documents. This technology will assist FSRF staff by improving search processes, identifying duplicate and near duplicate records including email threads, ensuring redactions are consistent across released documents, and automatically create audit logs to ensure compliance and to support legal actions.

### **Section III: Steps Taken to Increase Proactive Disclosures**

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

The following are links to DEA proactive disclosures:

- **Press Releases:**  
<https://www.dea.gov/press-releases>
- **Drug Prevention Resources:**  
<https://www.dea.gov/drug-prevention>
- **Current List of Most Wanted Fugitives:**  
<https://www.dea.gov/fugitives>
- **Intelligence Publications:**  
[https://www.dea.gov/documents?field\\_document\\_document\\_type\\_value=Publication&field\\_document\\_publication\\_type\\_value=Intelligence](https://www.dea.gov/documents?field_document_document_type_value=Publication&field_document_publication_type_value=Intelligence)
- **Forensic Sciences Publications:**  
[https://www.dea.gov/documents?field\\_document\\_document\\_type\\_value=Publication&field\\_document\\_publication\\_type\\_value=Forensics](https://www.dea.gov/documents?field_document_document_type_value=Publication&field_document_publication_type_value=Forensics)
- **Micrograms:**  
[https://www.dea.gov/documents?sort\\_bef\\_combine=field\\_document\\_date\\_value%20DESC&field\\_document\\_document\\_type\\_value=Microgram&field\\_document\\_publication\\_type\\_value=All&field\\_document\\_drug\\_categories\\_target\\_id=All&field\\_document\\_topics\\_target\\_id=All](https://www.dea.gov/documents?sort_bef_combine=field_document_date_value%20DESC&field_document_document_type_value=Microgram&field_document_publication_type_value=All&field_document_drug_categories_target_id=All&field_document_topics_target_id=All)
- **FOIA Logs and other frequently requested agency records.**  
[http://www.dea.gov/FOIA/FOIA\\_library.shtml](http://www.dea.gov/FOIA/FOIA_library.shtml)

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

Yes.

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

During 2019, DEA continued to update the public-facing website with new content.

4. Optional - Please describe:

- Any challenges your component faces in this area

FSRF does not have personnel resources with the skills required to make FOIA processed records compliant with Section 508 of the Rehabilitation Act for posting on the public facing DEA FOIA Library. FSRF has requested that the office's annual budget include funding to support Section 508 compliance in FOIA. Without internal resources to support this, DEA will likely need to outsource.

#### **Section IV: Steps Taken to Greater Utilize Technology**

1. Is your component leveraging or exploring any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology. (New Question).

On February 12, 2019, the White House released M-19-10, requiring agencies to submit an action plan for interoperability with the National FOIA portal, FOIA.gov, by May 10, 2019. FSRF submitted its plan to DOJ on April 19, 2019. Once FSRF is interoperable with FOIA.gov, our office will be able to receive FOIA/PA requests through FOIA.gov's structured application programming interface (API). API will allow FSRF to guarantee accuracy of the information entered into its case management system (i.e. FOIAXpress). The public will have the ability to receive detailed notifications on the status of their requests via the Public Access Link. FSRF received funding in the third quarter of FY 2019 to move forward with the API. FSRF is currently working with DEA's Office of Information System and AINS, Inc. to implement these IT changes.

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

FSRF made extensive updates the DEA.gov FOIA website in FY 2018. Separate webpages were created for FOIA and the Privacy Act and provide the public with a clearer, more concise overview of both Acts. Additional links to OIP and Office of Public and Civil Liberties' websites were also added. During FY 2019, additional frequently requested agency records were added to the FOIA Library. Links to other DEA data sets and information were also included (i.e., ARCOS and FOIA Logs and Annual Reports). DEA's goal is to post additional records to



the FOIA Library in 2020 and obtain the necessary funding to make all documents compliant with Section 508 of the Rehabilitation Act.

**Backlogged Requests**

1. If your component had a backlog of requests at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

No.

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

FSRF has experienced an increase in the number of incoming complex requests and litigation matters. These cases substantially contributed to the increase in the backlog. FSRF saw an increase in FOIA requests related to the multidistrict opioid litigation in the State of Ohio (United States District Court, Northern District of Ohio (MDL 2804)). FSRF also experienced the departure of six FOIA professionals (to include supervisors) during this reporting period. This reduction in force has challenged FSRF's ability to respond to requesters in a timely manner.

**Backlog Reduction Plans**

4. If your component had a backlog of requests in Fiscal Year 2019, what is your component's plan to reduce this backlog during Fiscal Year 2020?

FSRF is in the process of advertising FOIA positions, which include three Government Information Specialists, two Supervisory Government Information Specialists, and one Unit Chief. FSRF needs additional resources to sustain the processing and supervisory review of nearly 1,700 FOIA/PA requests per year. FRSF is currently working with DEA's Office of Resource Management to acquire additional management and support staff to support DEA FOIA operations.

**Oldest Requests and Consultations**

5. Beyond work on the ten oldest requests, please describe any steps your component took to reduce the overall age of your pending requests.

FSRF supervisors continuously monitor their staff's case workload and closely review monthly case status reports provided by their staff. Supervisors and subordinate staff work closely together to create a plan to move the processor's oldest cases forward. Action plans and timetables are developed as needed to move oldest cases forward.

6. Briefly explain any obstacles your component faced in closing its ten oldest requests and consultations from Fiscal Year 2019.

FSRF is currently understaffed due the departure of six FOIA professionals (to include supervisors) during this reporting period. FSRF has received an influx of complex cases that require additional research. Staff are also handling multiple litigations and high-volume requests requiring rolling releases. FSRF is in the process of obtaining additional personnel resources to keep up with the growing demands.

7. If your component 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 component, the date when your component sent the consultation, and the date when you last contacted the agency where the consultation was pending.

N/A

### *Success Stories*

Out of all the activities undertaken by your component since March 2019 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 component's efforts. The success story can come from any one of the five key areas. **All components 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. The best success stories will be highlighted in the Department's report and showcased with other agency success stories during Sunshine Week 2020.

During FY 2019, FSRF restructured the IRT team. The IRT team was restructured to handle the initial research of all incoming FOIA/PA requests and improve customer service by contacting requesters to clarify requests which were unclear or deficient. With the IRT's efforts to strengthen internal processes and procedures, FSRF was effectively able to decrease FOIA/PA appeals by 54 percent compared to FY 2018.



2021 Chief FOIA Officer Report  
U.S. Drug Enforcement Administration



U.S. Drug Enforcement Administration  
Chief FOIA Officer Report Fiscal Year 2021

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Kelleigh A. Miller  
Chief FOIA Officer

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## Section I: Steps Taken to Apply the Presumption of Openness

1. What is your component abbreviation?

DEA.

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

DEA's Freedom of Information and Privacy Act Section (referred to throughout this report as DEA's FOIA Office) conducts FOIA training for DEA offices upon request. During Fiscal Year (FY) 2020, the FOIA Office conducted FOIA/PA training for the Diversion Control Division.

During FY 2020, DEA's FOIA Office published an Educational Series on the FOIA and Privacy Act which was disseminated to DEA management within the domestic divisions, foreign regions, laboratories, and Headquarters offices. DEA's FOIA Office encouraged the managers to share the Educational Series with their staff. DEA's FOIA Office also posted the information on the FOIA/PA intranet page for easy access by agency personnel.

The DEA FOIA/PA intranet page contains additional training resources for agency personnel to include a FOIA/PA Guidebook, a DEA FOIA internal process map, and an outline of the differences between the FOIA and PA.

DEA FOIA personnel, to include contractors and supervisors, are required to take one or more FOIA/PA training courses offered by the Department of Justice, Office of Information Policy (OIP) on an annual basis.

3. Did your FOIA professionals or the personnel within your component who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?

Yes, DEA FOIA staff attended off-site training made available throughout the year by the Department of Justice, Office of Information Policy (OIP). In addition, one supervisor attended the American Society of Access Professionals Virtual National Training Conference.

FOIA and PA training is also conducted by the Chief FOIA Officer, Unit Chiefs, and senior FOIA staff for employees assigned to the FOIA Office.

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

Personnel assigned to DEA's FOIA Office attended the following courses hosted by OIP:

1. FOIA for Attorneys and Access Professionals
2. Chief Officer Report Training
3. Virtual Introduction to FOIA
4. Virtual Privacy Considerations
5. Virtual Exemption 1 Workshop
6. Virtual Exemption 4 Workshop
7. Virtual Exemption 5 Workshop
8. Virtual Exemption 7 Workshop
9. Virtual Privacy Considerations Workshop
10. Virtual Fees and Fee Waivers Workshop
11. Virtual FOIA Processing – Start to Finish Workshop
12. Virtual Best Practices in FOIA Technology
13. Virtual Artificial Intelligence for FOIA Professionals
14. Virtual Litigation Workshop
15. Virtual Continuing FOIA Education Workshop

5. Please provide an estimate of the number of FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Twenty-six employees assigned to DEA's FOIA Office.

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

DEA's FOIA professionals did not formally engage in outreach or dialogue with the requester community and open government groups during FY 2020. However, the Intake Unit operates the Requester Service Center which is available during normal business hours. The staff assigned to the Intake Unit answer a variety of questions posed by requesters as it relates to their FOIA/PA requests and DEA's internal processes and procedures. The Intake Unit staff provides requesters with assistance with narrowing or clarifying requests, and they direct requesters to frequently requested records available on DEA.gov within the FOIA Library.

Additionally, DEA's FOIA Public Liaison is available during normal business hours to assist requesters with more complex questions or concerns; however, due to the fact that the Intake Team effectively handles the majority of phone calls and e-mails received from

requesters, DEA's FOIA Liaison typically handles no more than 20 requester inquiries or concerns per year.

7. Describe any efforts your component has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your component provides FOIA training or briefings to non-FOIA staff.

Since 2017, DEA FOIA professionals have partnered with the Human Resources Division to distribute the FOIA/PA Guidebooks to each newly hired DEA employee. The guidebook outlines employees' responsibilities for complying with the FOIA/PA and outlines DEA's internal FOIA processes and procedures. Additionally, during the 2020 Sunshine Week, FOIA resources were posted internally on DEA's intranet site for all employees.

DEA's Chief FOIA Officer regularly meets with managers across DEA to discuss pending FOIA requests and educates the managers on their responsibilities under the FOIA. During FY 2020, DEA's FOIA Office published an Educational Series on the FOIA and Privacy Act which was disseminated to DEA management within the domestic divisions, foreign regions, laboratories, and Headquarters offices. The Educational Series described both the FOIA and PA and Exemptions, offered fundamental information on how requests are processed, and outlined agency employees' responsibilities under the FOIA/PA. DEA managers across the agency were encouraged to share the Educational Series with their staff. DEA's FOIA Office also posted the Educational Series on the FOIA/PA intranet page for easy access by agency personnel.

The DEA FOIA/PA intranet page contains additional resources for agency personnel to include a FOIA/PA Guidebook, a DEA FOIA internal process map, and an outline of the differences between the FOIA and PA.

DEA's FOIA Office also offers FOIA/PA training to domestic, foreign, laboratory and Headquarters offices. During FY 2020, the FOIA staff conducted FOIA/PA training for employees assigned to the Diversion Control Division.

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

DEA FOIA professionals continued to meet with stakeholders in the Office of Forensic Sciences, the Information Systems Division, the Diversion Control Division, and the Office of Congressional and Public Affairs to discuss agency records and data appropriate for posting on DEA.gov.

DEA's Diversion Control Division continues to update and post data from the Automation of Reports and Consolidated Orders System (ARCOS). ARCOS is a comprehensive drug reporting system which monitors the flow of DEA controlled substances from their point

of manufacture through commercial distribution channels to the point of sale or distribution at the dispensing/retail level. ARCOS data remains one of the most frequently requested records from FOIA requesters.

Annual FOIA logs are posted on the DEA FOIA website for requesters to view. The logs can be utilized by requesters to determine the types of records DEA maintains. Beginning January 1, 2021, DEA's FOIA Office plans to post FOIA logs for requests made to DEA on a monthly versus annual basis. The logs will identify the subject matter and disposition of each closed request to bring greater transparency to the FOIA processes and make it easier for requesters to identify information that may be of interest to them.

During 2020, DEA's FOIA Office made several updates to the public-facing DEA FOIA website under the Additional Resources page. The updates included the addition of statistical reports such as domestic arrests, National Take Back Day results, Domestic Cannabis Eradication and Suppression Program results; the National Drug Threat Assessment Summaries; DEA policies; and frequently requested forms. See: <https://www.dea.gov/divisions/foia-additional-resources-0>. The FOIA Office also made all records found under the DEA records page compliant with Section 508 of the Rehabilitation Act. See: <https://www.dea.gov/dea-records>.

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

1. If your component's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your component's Fiscal Year 2020 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less. \* Please enter N/A if your component's average number of days to adjudicate expedited processing time was within ten days.

To reduce the average number of days to adjudicate requests for expedited processing, in October 2020, DEA assigned an acting supervisor to the Intake Unit and one staff member to closely track requests for expedited processing and ensure responses are provided to requesters within 10 calendar days. This modification to the intake/mail receipt process will ensure that requesters are advised sooner rather than later about the status of their expedited treatment requests.

2. During the reporting period, did your component conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. 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 OIP's website for all components to use.

DEA's Chief FOIA Officer, along with the subordinate FOIA Unit Chiefs, conducted a self-assessment of the FOIA Program throughout FY 2020 and made several changes to increase the efficiency of internal processes and procedures. This included the review and update of templates, requester forms, and Standard Operating Procedures. The FOIA Office also completely revised the DEA's Freedom of Information and Privacy Act policy which outlines agency-wide responsibilities and procedures for responding to FOIA/PA requests.

The increase in the complexity of FOIA requests received by DEA, along with the ratio between workload to workforce, has presented many challenges to closing large cases timely. As such, the Chief FOIA Officer submitted a proposal to DEA management to reorganize and upgrade positions in the FOIA Office to more effectively manage the high-volume workload including complex FOIA requests and litigation. The reorganization took effect on October 1, 2020. Upgraded positions were approved and three specialized units were established: Intake, Processing, and Legal and External Affairs, each led by a GS-0306-14 Unit Chief. Contract paralegal support was increased by four positions, and three GS-306-13 Expert Government Information Specialists were added to the Table of Organization. This reorganization was intended to strengthen the FOIA Office's ability to handle the growing demands placed upon the staff to effectively manage a high-volume workload. The addition of GS-14 level supervisors within the FOIA Office will also enable DEA to more effectively address the FOIA/PA backlog. DEA's FOIA Office continues to closely monitor individual employee and office-wide workload by generating weekly, biweekly, and monthly reports in FOIAXpress. FOIA supervisors conducted effective oversight and assessment of all cases assigned to their teams. Risks were identified and mitigated, and action plans were developed as needed to move the oldest cases forward. Rolling releases were conducted on high-volume or complex cases whenever possible.

The FOIA management team met regularly, identified areas for improvement, and implemented changes where necessary. DEA also utilized OIP's FOIA Self-Assessment Toolkit during FY 2020. Based on the rating scores, the self-assessment revealed that overall, DEA is operating a successful FOIA/PA program. DEA also identified areas where process improvements could be made. These areas have been prioritized for improvement action in FY 2021.

Standard Operating Procedures are in the process of being updated to assist FOIA staff to carry out routine-operations such as processing certain types of records, to include e-mails.

The Chief FOIA Officer, FOIA Unit Chiefs, and Office of Chief Counsel attorneys continued to meet no less than biweekly to review and discuss complex requests, or requests

deemed overly broad or high-risk for FOIA litigation. The meetings allow the team to formulate a plan of action to address difficult requests. The results of these meetings also provide a clear path forward for the Government Information Specialists assigned to process such requests which in turn reduces DEA's appeal and litigation risk.

3. Standard Operating Procedures (SOPs): Having SOPs can improve the consistency and quality of an agency's FOIA process. In addition, describing an agency's standard practices for handling FOIA requests on agency FOIA websites can help requesters better understand how their request will be handled. Does your component have SOPs that outline general processes for handling FOIA requests and appeals?

- Yes
- Yes, but it needs to be updated.
- Not currently, but we are working to develop SOPs.
- No

4. If yes, how often are the SOPs reviewed/updated to account for changes in law, best practices, and technology?

Not applicable.

5. In addition to having SOPs, does your component post or otherwise describe your standard processes for handling requests on your website?

Yes.

6. 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 component's FOIA Public Liaison during FY 2020 (please provide a total number or an estimate of the number).

DEA's FOIA Public Liaison was contacted approximately 20 times in FY 2020.

7. Does your component frequently receive common categories of first-party requests? If so, please describe the types of requests and if your component has explored establishing alternative means of access to these records outside of the FOIA process?

The FOIA Office frequently receives requests from current or former employees seeking access to their DEA medical file. During FY 2020, the FOIA Office met with the Health Services Unit (HRLH) and HRLH agreed to handle requests from current employees for access to certain records within their medical files (such as an immunization record), while the FOIA Office will continue process requests from current or former employees seeking access to their entire medical file.

The FOIA Office frequently receives requests from applicants who did not pass the background investigation or meet suitability requirements to work for DEA. These requesters seek information on why they were not hired by DEA. DEA has not explored the possibility of establishing an alternative means of access to these records outside of the FOIA process.

The FOIA Office also frequently receives first-party requests for access to investigative case files. Due to the sensitivity of these records, we do not believe they should be handled outside of the FOIA/PA process.

8. Please explain how your component worked to mitigate the impact of the COVID-19 pandemic on FOIA processing. Examples could include, but are not limited to: altering workflows, implementing new technology, providing notices and instructions or otherwise communicating directly with requesters. Required to answer.

The FOIA Office worked to mitigate the operational impact COVID-19 placed on FOIA processing by:

- Placing information on DEA.gov/FOIA website advising requesters that they may experience a delay in receiving an initial acknowledgement as well as a substantive response to a FOIA request (i.e., language provided by OIP);
  - FOIA staff continued to acknowledge all FOIA/PA requests received electronically and we incorporated language into our letters regarding COVID-19's impact to FOIA operations (language provided by OIP);
  - FOIA staff were sent into the office on a rotating basis, when practicable, to retrieve FOIA/PA requests received via U.S. Postal Service, and upload the requests into the case management system for assignment;
  - FOIA staff were sent into the office on an as-needed basis to mail FOIA responses to requesters who could not receive the information electronically;
  - FOIA staff was able to continue to process agency records within our case management system (i.e., FOIAXpress);
  - FOIA staff were able to send record searches to DEA program offices and receive responsive records electronically;
  - FOIA staff were sent into the office on an as-needed basis to retrieve investigative case file records received from DEA Field Offices in hard copy format, and those records were scanned into FOIAXpress for electronic processing; and
  - Staff were able to e-mail FOIA determination letters and responsive records to requesters.
9. Please describe best practices used to ensure that your FOIA system operates efficiently and effectively.

DEA's FOIA Office continuously looks for ways to streamline business processes and workflows for greater efficiency. Through the establishment of three FOIA Units on October 1, 2020 which includes Intake, Processing, and Legal and External Affairs, the FOIA Office has been able to reorganize the high-volume workload under a specialized team approach. New FOIA staff are assigned to the Intake Unit to learn the full scope of the FOIA process from start to finish, and are trained by senior FOIA staff. Cases are categorized and assigned based on size (page count) and complexity. Staff must demonstrate their ability to take on more challenging work in order to transition to the Processing Team.

Functional responsibilities of each team were realigned to better support overall FOIA operations. The Unit responsibilities include:

#### Intake Unit

- Monitors receipt of all incoming requests;
- Responsible for sending record searches to DEA offices globally;
- Once records are returned and reviewed for completeness, staff assigns the case to the Processing Team supervisor for assignment to a Government Information Specialist or Paralegal for processing;
- Responsible for handling all Glomar, categorical denial, fee waivers, expedited treatment, no record responses, and (c)(1) Exclusion coordination with OIP;
- Communicates with requesters to clarify requests;
- Communicates with requesters to narrow the scope of requests when appropriate;
- Educates requesters on the internal FOIA process and procedures; and
- Periodically assigned special projects such as creation of FOIA logs, Standard Operating Procedures, or uploading of frequently requested records to the FOIA Library.

#### Processing Unit

- Responsible for reviewing and processing all agency records under the FOIA/PA including the handling of referrals and consultations applicable to their respective cases;
- Keeps requesters informed as to the status of their request;
- Communicates with requesters to narrow the scope of requests when appropriate; and
- Educates requesters on the internal FOIA process and procedures.

#### Legal and External Affairs Unit

- Works closely with DEA's Office of Chief Counsel on all FOIA litigations and litigation consultations or referrals received from other federal agencies;



- Responsible for handling all incoming referrals and consultations (non-litigation) received from other federal agencies; and
- Responds to all inquiries received from OIP as it pertains to DEA FOIA appeals.

The Unit Chiefs are able to conduct final review and approve determination letters and release of records for the majority of the cases assigned to their team; however, high-risk cases go through a second quality control review by the Chief FOIA Officer. The increase in supervisory support will assist DEA with reducing the FOIA backlog in the future.

The FOIA Office continued to explore FOIA technology tools designed to provide advanced searching, analytics, and de-duplication, which will enable FOIA staff to more effectively organize and process high-volume records. The FOIA Office recently acquired Electronic Document Review (EDR), a FOIAXpress tool which will enable FOIA staff to improve document processing particularly for requests that involve hundreds or thousands of documents. This technology will assist FOIA professionals by improving search processes, identifying duplicate and near duplicate records including e-mail threads, ensuring redactions are consistent across released documents, and automatically create audit logs to ensure compliance and support legal actions.

The FOIA Office's management team meets on a regular basis to discuss the ten oldest cases and they work closely with their team members to move the oldest cases toward closure. The managers ensure requesters are kept informed of the status of their request and they work with their staff to conduct rolling releases whenever possible. The management team is responsible for monitoring all cases assigned to their team to include the review of monthly reports submitted by their subordinates. The monthly reports identify the current status of each request assigned to their staff. Any discrepancies identified in staff's cases are promptly addressed with the respective employee.

10. Please describe any challenges your agency faces in the area of effective and efficient systems for responding to requests.

DEA has utilized FOIAXpress for approximately 10 years. While the technology is sufficient for the tracking, monitoring, and processing of records responsive to FOIA/PA requests, the volume and complexity of requests received by DEA remains high. The ratio of workload to workforce remains unbalanced. DEA was successful in obtaining additional paralegal contract support and new supervisory positions to support FOIA operations. The addition of the supervisory positions will help with decreasing the FOIA backlog in the future.

### Section III: Steps Taken to Increase Proactive Disclosures

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

During 2020, the FOIA Office made several updates to the public-facing DEA FOIA website under the Additional Resources page. The updates included the addition of statistical reports such as domestic arrests, National Take Back Day results, Domestic Cannabis Eradication and Suppression Program results; the National Drug Threat Assessment Summaries; DEA policies; and frequently requested forms. See: <https://www.dea.gov/divisions/foia-additional-resources-0>. The FOIA Office made all records found under the DEA records page compliant with Section 508 of the Rehabilitation Act. See: <https://www.dea.gov/dea-records>.

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

Yes.

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

During 2018, the DEA FOIA Office worked with the Office of Congressional and Public Affairs to fully update the public-facing website. The new and improved website is more informative, user-friendly, and easier to navigate. The FOIA Office is currently working with the Office of Public and Congressional Affairs to update certain pages on the FOIA website to give the website a new look and feel while ensuring the content remains useful to individuals who frequently access the website.

The DEA FOIA Office posts its FOIA logs as excel spreadsheets which can be easily exported as comma separated values (CSV) files. In addition, the newly added Additional Resources page contains numerous searchable PDFs.

4. Please describe any best practices used to improve proactive disclosures.

DEA's FOIA professionals continue to engage with field and Headquarters offices to identify frequently requested data and information, and our offices work together to prioritize records for posting on DEA.gov within the FOIA Library. FOIA staff continuously

identify items of interest to the public on the DEA.gov website such as the National Drug Threat Assessment Summaries. These items are then linked to the FOIA Library to make the information easily accessible to FOIA requesters.

5. Please describe any challenges in the area of proactive disclosures.

DEA's FOIA Office has been challenged by posting material on DEA.gov/FOIA Library due to the lack of resources and funding needed to make documents compliant with Section 508 of the Rehabilitation Act. Funding was requested in the FY 2020 budget to enable DEA to utilize a vendor to assist with making 12 FOIA-processed documents compliant with Section 508. These records were posted on DEA.gov within the FOIA Library.

#### Section IV: Steps Taken to Greater Utilize Technology

1. Please briefly describe the types of technology your component uses to support your FOIA program. In addition, please highlight if your component is leveraging or exploring any new technology that you have not previously reported. If so, please describe the type of technology. Required to answer

DEA's FOIA Office utilizes FOIAXpress to track, process, and manage all FOIA/PA requests. The FOIA Office recently acquired FOIAXpress Electronic Document Review (EDR) which will speed up the review and redaction process leveraging easy to use eDiscovery technology to quickly filter, de-duplicate, and categorize responsive content in large volumes of e-mails, attachments, or other file types. EDR will be available for FOIA staff's use in January 2021.

DEA's FOIA Office relies on the Information Systems Division staff to perform all e-mail searches. Information Technology tools have enabled DEA to perform more efficient enterprise-wide e-mail searches. These tools provide advanced searching and analytics, and eliminate redundant data allowing the FOIA professionals to more efficiently process e-mail records and attachments.

During FY 2020, DEA's FOIA Office took the necessary steps to ensure its case management system is interoperable with the National FOIA Portal on FOIA.gov as required by the Office of Management and Budget and Department of Justice. The FOIA Office and Information Systems Division meet weekly to discuss the plan of action and milestones. DEA is on track to ensure interoperability with the National FOIA portal by 2021. This will enable DEA to receive requests directly into its case management system through FOIA.gov's structured application programming interface.

The FOIA Office continues to explore emerging technological solutions to further increase overall FOIA processing efficiency.

2. Please describe best practices used in greater utilizing technology

The FOIA Office continued to explore FOIA technology tools designed to provide advanced searching, analytics, and de-duplication, which will enable FOIA staff to more effectively organize and process high-volume records. The FOIA Office recently acquired Electronic Document Review (EDR), a FOIAXpress tool which will enable FOIA staff to improve document processing particularly for requests that involve hundreds or thousands of documents. This technology will assist FOIA professionals by improving search processes, identifying duplicate and near duplicate records including e-mail threads, ensuring redactions are consistent across released documents, and automatically create audit logs to ensure compliance and support legal actions. EDR will be available for the FOIA staff's use in January 2021.

3. Please describe any challenges your agency faces in utilizing technology

Although DEA's FOIA Office successfully acquired additional technological tools to assist the staff with more efficient review and processing of high-volume records, there is no tool that will remove the human element required to conduct a quality control review of the documents prior to release. The FOIA Office management team continues to struggle with a high volume of cases to be reviewed before final release.

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

1. If your agency's request backlog increased during Fiscal Year 2020, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Other – Please explain  
\_\_\_\_\_

In mid-2019, DEA's FOIA Office revamped internal processes and procedures with a strong focus on ensuring effective quality control review of all FOIA/PA cases by the management team prior to disclosure. By tightening internal processes and procedures,

DEA experienced a 58 percent reduction in FOIA appeals filed to DOJ in two years (number of DEA appeals filed to DOJ: 171 in FY 2018, 82 in FY 2019, and 71 in FY 2020). While the reduction in appeals is significant, DEA has also experienced an increase in backlog. The increase in the complexity of FOIA requests received by DEA, along with the ratio between workload to workforce, has presented many challenges to closing large cases timely. As such, the Chief FOIA Officer submitted a proposal to DEA management in August of 2019 to reorganize and upgrade positions in the FOIA Office to allow for more efficient management of the high-volume workload including complex FOIA requests and litigation. The reorganization took effect on October 1, 2020. Upgraded positions were approved and three specialized units were established: Intake, Processing, and Legal and External Affairs, each led by a GS-0306-14 Unit Chief. Contract paralegal support was increased by four positions, and three GS-306-13 Expert Government Information Specialists were added to the Table of Organization. This reorganization was intended to strengthen the FOIA Office's ability to handle the growing demands placed upon the staff. The addition of GS-14 level supervisors within the FOIA Office will also enable DEA to more effectively address the FOIA/PA backlog. The Unit Chiefs are able to conduct final review, and approve determination letters and release of records for the majority of the cases assigned to their team; however, high-risk cases go through a second quality control review by the Chief FOIA Officer. The increase in supervisory support will assist DEA with reducing the FOIA backlog in the future.

In FY 2020, DEA's FOIA Office saw an increase in complex FOIA requests concerning sensitive topics requiring coordination and review with various DEA offices and other DOJ components. The assorted layers of coordination can add significantly to the time needed to respond to these requests and contributes to the increase in DEA's backlog.

2. Did your component implement a backlog reduction plan last year? If so, describe your component's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2020?

See response to question #27.

3. If your component had a backlog of more than 1,000 requests in Fiscal Year 2020, please explain your component's plan to reduce this backlog during Fiscal Year 2021.

Not applicable.

4. Beyond work on the ten oldest requests, please describe any steps your component took to reduce the overall age of your pending requests.

The FOIA Office's management team meets on a regular basis to discuss the ten oldest cases and they work closely with their team members to move the oldest cases toward closure. The managers ensure requesters are kept informed of the status of their

requests and they work with their staff to conduct rolling releases whenever possible. The management team is responsible for monitoring all cases assigned to their team to include the review of monthly reports submitted by their subordinates. The monthly reports identify the current status of each request assigned to their staff. Any discrepancies identified in staff's cases are promptly addressed with the respective employee.

5. Briefly explain any obstacles your component faced in closing its ten oldest requests and consultations from Fiscal Year 2019.

DEA received 1,251 FOIA/PA requests in FY 2020 and 1,622 cases in FY 2019, and the office has limited personnel resources to process cases including managers to conduct quality control review and approve release of records to requesters. FOIA/PA cases range in page counts from 2 to 20,000. The staff members are constantly juggling between old and new cases, consultations, referrals, and other routine matters. The FOIA office attempts to conduct rolling releases whenever possible, but the obstacle is the workforce to workload ratio remains unbalanced. With the establishment of the new Table of Organization and additional support and supervisory positions, DEA's FOIA Office is hopeful that the backlog challenges will improve in the future.

6. If your component 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 component, the date when your component sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Not applicable.

7. If your component did not close its ten oldest pending requests or consultations, please provide a plan describing how your component intends to close those "ten oldest" requests and consultations during Fiscal Year 2021.

The FOIA Office has identified the ten oldest requests and consultations reported as pending in its FY 2020 Annual FOIA Report. As in past years, the management team will meet regularly to discuss the status of the ten oldest requests and consultations and resolve any obstacles impeding completion. The management team will ensure the ten oldest requests and consultations are prioritized and will make rolling releases of records where possible.

8. Out of all the activities undertaken by your component since March 2020 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, but should not be something

that you have reported in a prior year. As noted above, OIP will highlight DOJ 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 DOJ's Chief FOIA Officer Report.

In June 2019, the Office of Administration (FS) submitted a request to reorganize DEA's FOIA Office. Jointly, the Organizational Staffing and Management Section (FRM) along with DEA's FOIA Office agreed on the reorganization of the unit using existing resources to create an organizational structure emphasizing managerial oversight and knowledge expertise as it relates to the laws and regulations surrounding the specialized areas within the FOIA and PA. DEA's FOIA Office expressed the need for specialized functional areas with increased managerial oversight, thus the new organizational structure, which was approved in January 2020 and went into effect on October 1, 2020, includes three specialized units (Intake, Processing, and Legal and External Affairs) each led by a GS-0306-14 Supervisory Government Information Specialist. Each unit is also staffed with one GS-0306-13 Expert Government Information Specialist who will provide oversight and serve as a trainer and mentor to the team.

This reorganization was intended to strengthen the FOIA Office's ability to handle the growing demands placed upon limited staff to effectively manage a high-volume workload. The addition of GS-14 level supervisors within the FOIA Office will also enable DEA to more effectively address the FOIA/PA backlog.



# 2022 DOJ Chief FOIA Officer Report

## Section I

### Steps Taken to Apply the Presumption of Openness

1. What is your component abbreviation?\*

- DEA

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

- The DEA FOIA/PA intranet page contains additional training resources for agency personnel to include a FOIA/PA Guidebook, a DEA FOIA internal process map, and an outline of the differences between the FOIA and PA.
- DEA FOIA personnel, to include contractors and supervisors, are required to take one or more FOIA/PA training courses offered by the Department of Justice, Office of Information Policy (OIP) on an annual basis.

3. Did your FOIA professionals or the personnel within your component who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice? \*

- Yes.

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

- Personnel assigned to the DEA FOIA Office attended the following training courses hosted by OIP:

- Virtual Chief FOIA Officer Report Training
- Virtual FOIA Annual Report Training
- Virtual FOIA Administration During the COVID-19 Pandemic Workshop
- Virtual FOIA Administration During the COVID-19 Pandemic, Intelligence Community Workshop
- Virtual Introduction to FOIA Workshop
- Virtual Privacy Considerations Training
- Virtual Exemption 1 and 7 Training
- Virtual Exemption 4 and 5 Training
- Virtual Procedural Requirements and Fees Training
- Virtual FOIA Processing from Start to Finish Workshop
- Virtual Litigation Seminar
- Virtual Continuing FOIA Education Workshop

- Personnel were also trained internally in the following areas:

The interface between the FOIA and Privacy Act  
Redacting audio/video records  
Public Access Link (PAL) functionality in FOIAXpress

5. Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period. Please provide the numbers you used to come up with the percentage. \*

- 100%.

6. If less than 80% of your FOIA professionals and staff with FOIA responsibilities attended substantive FOIA training, please explain your component's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.\*

- Not Applicable.

7. Did the personnel at your component who have FOIA responsibilities attend training in federal records management during this reporting period? \*

- Yes, all DEA FOIA personnel completed Records and Information Management training during FY 2021.

8. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your component's FOIA administration. \*

- Due to the global pandemic, DEA's FOIA professionals did not formally engage in outreach or dialogue with the requester community and open government groups during FY 2021. However, the Intake Unit operates the FOIA Requester Service Center which is available during normal business hours. The staff assigned to the Intake Unit answer a variety of questions posed by requesters as it relates to their FOIA/PA requests and DEA's internal processes and procedures. The Intake Unit staff provides requesters with assistance with narrowing or clarifying requests, and they direct requesters to frequently requested records available on DEA.gov within the FOIA Library.
- Additionally, DEA's FOIA Public Liaison is available during normal business hours to assist requesters with more complex questions or concerns.

9. Describe any efforts your component has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your component provides FOIA training or briefings to non-FOIA staff and if senior leaders at your component received a briefing on your component's FOIA resources,

obligations and expectations during the FOIA process. \*

- Since 2017, DEA FOIA professionals have partnered with the Human Resources Division to distribute the FOIA/PA Guidebooks to each newly hired DEA employee. The guidebook outlines employees' responsibilities for complying with the FOIA/PA and outlines DEA's internal FOIA processes and procedures. Additionally, during the 2021 Sunshine Week, a one week bulletin was posted on DEA's intranet site and a narrative appropriate for public posting was placed on DEA.gov as well as all of DEA's social media accounts (i.e., Facebook, Twitter, LinkedIn).
- DEA's Chief FOIA Officer regularly meets with managers across DEA to discuss pending FOIA requests and educates the managers on their responsibilities under the FOIA.
- The DEA FOIA/PA intranet page contains additional resources for agency personnel to include a FOIA/PA Educational Series, a FOIA/PA Guidebook, a DEA FOIA internal process map, and an outline of the differences between the FOIA and PA.
- DEA's FOIA Office also offers FOIA/PA training to domestic, foreign, laboratory and Headquarters offices.

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

- DEA's FOIA Office partnered with the Office of Congressional and Public Affairs to revise the FOIA/PA webpages on DEA.gov making them more informative and user friendly for the requester community. We also added additional records and information of interest to members of the public within the FOIA library and "FOIA Additional Resources" page.

## Section II

### Steps Taken to Ensure that Your Component Has an Effective System in Place for Responding to Requests

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

- To reduce the average number of days to adjudicate requests for expedited processing, in October 2021, the Unit Chief of DEA's FOIA Intake Unit began running a weekly report to ensure that requests for expedited processing are responded to within 10 calendar days. This modification to the intake/mail receipt process will ensure that requesters are advised sooner about the status of their expedited treatment requests.

12. Standard Operating Procedures (SOPs) generally document your component's internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's guidance, having SOPs can improve the consistency and quality of a

component's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the component's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your component have up-to-date internal SOPs for your FOIA administration? \*

- Currently developing SOPs.

13. If not, please provide a timeline for when your component plans to develop or update its SOPs. \*

- Currently, DEA's FOIA Office has multiple SOPs that are in review by management. The goal is to have the SOPs finalized and available to the FOIA staff during FY 2022.

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

- Yes.

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

- The FOIA Office sometimes receives requests from current or former employees seeking access to their DEA medical file. Since FY 2020, DEA's Health Services Unit agreed to handle requests from current employees for access to certain records within their medical files (such as an immunization record), while the FOIA Office will continue to process requests from current or former employees seeking access to their entire medical file.

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

- DEA's Chief FOIA Officer, along with the subordinate FOIA Unit Chiefs, conducted a self-assessment of the FOIA Program throughout FY 2021 and made several changes to increase the efficiency of internal processes and procedures. This included the review and update of templates, adding the FOIA Public Access Link (PAL) to DEA's FOIA website, and drafting several SOPs.
- DEA's FOIA Office continues to closely monitor individual employee and office-wide workload by generating weekly, biweekly, and monthly reports in FOIA Xpress. FOIA supervisors conducted effective oversight and assessment of all cases assigned to their teams. Risks were identified and mitigated, and action plans were developed as needed to move the oldest cases forward. Rolling releases were conducted on high-volume or complex cases whenever possible.
- The FOIA management team met regularly, identified areas for improvement, and implemented changes where necessary. Emails were circulated to staff to address

process changes and provide guidance.

- During FY 2021, several Standard Operating Procedures were updated to assist FOIA staff to carry out routine-operations such as processing certain types of records, to include e-mails, and are currently under management's review.
- The Chief FOIA Officer, FOIA Unit Chiefs, and Office of Chief Counsel attorneys continued to meet to review and discuss complex requests, or requests deemed overly broad or high-risk for FOIA litigation. The meetings allow the team to formulate a plan of action to address difficult requests. The results of these meetings also provided a clear path forward for the Government Information Specialists assigned to process such requests which in turn reduces DEA's appeal and litigation risk.

17. 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 component's FOIA Public Liaison during FY 2021 (please provide a total number or an estimate of the number)\*

- DEA's FOIA Public Liaison was contacted approximately 20 times during FY 2021.

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

- During FY 2021, the FOIA Office advertised vacant Government Information Specialist positions. As a result of those announcements, one position has been filled and two additional applicants were selected.
- DEA's FOIA Office also identified additional personnel resources that may be needed to process records as a result of the Department of Justice (DOJ) directive that requires DOJ law enforcement components to begin wearing body worn cameras for certain law enforcement activities.
- In November 2021, the FOIA Office transitioned from the Financial Management Division to the Office of Chief Counsel. It is anticipated with this transition that the FOIA Office will obtain additional resources.

19. Please describe best practices used to ensure that your FOIA system operates efficiently and effectively.

- DEA's FOIA Office continuously looks for ways to streamline business processes and workflows for greater efficiency. Through the establishment of three FOIA Units: Intake, Processing, and Legal and External Affairs, the FOIA Office was successful in reorganizing the high-volume workload under a specialized team approach. New FOIA staff are assigned to the Intake Unit to learn the full scope of the FOIA process from start to finish, and are trained by senior FOIA staff. Cases are categorized and assigned based on size (page count) and complexity. Staff must demonstrate their ability to take on more challenging work in order to transition to the Processing Team.

20. Please describe any challenges your component faces in the area of effective and efficient systems for responding to requests.

- The FOIA Office continues to receive an increase in the complexity of FOIA requests and litigation matters, as well as facing challenges with balancing the ratio between workload to workforce, which cause some delay in closing large cases timely. The addition of GS-14 level supervisors within the FOIA Office enabled DEA to more effectively address the FOIA/PA backlog. The Unit Chiefs were able to conduct final review, and approve determination letters and release of records for the majority of the cases assigned to their team; however, high-risk cases go through a second quality control review by the Chief FOIA Officer. The increase in supervisory support will continue to assist DEA with reducing the FOIA backlog in the future.

## Section III

### Steps Taken to Increase Proactive Disclosures

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

- DEA's FOIA professionals continue to engage with field and Headquarters offices to identify frequently requested data and information, and our offices work together to prioritize records for posting on DEA.gov within the FOIA Library. FOIA staff continuously identify items of interest to the public on the DEA.gov website such as the National Drug Threat Assessment Summaries. These items are then linked to the FOIA page to make the information easily accessible to FOIA requesters.

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

- During 2021, the FOIA Office made several updates to the public-facing DEA FOIA website under the Additional Resources page. Here are links to this material:

[Final Opinions and Orders 2000 to present](#)

[Drug Intelligence Bulletins](#)

[National Clandestine Laboratory Register Data](#)

[Forensic Sciences' Quality System Documents](#)

[DEA Staffing and Budget](#)

DEA Policies

- [Drug Policy](#)
- [Diversion Manuals and Publications](#)

Statistics



- [Domestic Arrests 1986 to present](#)
- [Annual Domestic Cannabis Eradication/Suppression Program Results 2016 to present](#)

#### Frequently Requested DEA Forms

- [Security Forms](#)
- [Diversion Forms](#)

#### National Drug Threat Assessment Summaries 2013 to present

- [2020 National Drug Assessment](#)
- [2019 National Drug Assessment](#)
- [2018 National Drug Assessment](#)
- [2017 National Drug Assessment](#)
- [2016 National Drug Assessment](#)
- [2015 National Drug Assessment](#)
- [2014 National Drug Assessment](#)
- [2013 National Drug Assessment](#)

#### National Prescription Take Back Day Results 2010-present

- [National Take Back Day Initiative October 2020](#)
- [National Take Back Day Initiative October 2019](#)
- [National Take Back Day Initiative April 2019](#)
- [National Take Back Day Initiative October 2018](#)
- [National Take Back Day Initiative April 2018](#)
- [National Take Back Day Initiative October 2017](#)
- [National Take Back Day Initiative April 2017](#)
- [National Take Back Day Initiative October 2016](#)
- [National Take Back Day Initiative April 2016](#)
- [National Take Back Day Initiative September 2015](#)
- [National Take Back Day Initiative September 2014](#)
- [National Take Back Day Initiative April 2014](#)
- [National Take Back Day Initiative October 2013](#)
- [National Take Back Day Initiative April 2013](#)
- [National Take Back Day Initiative September 2012](#)
- [National Take Back Day Initiative April 2012](#)
- [National Take Back Day Initiative October 2011](#)
- [National Take Back Day Initiative April 2011](#)
- [National Take Back Day Initiative September 2010](#)
- [National Take Back Day Results in Graphs \(2010 – present\)](#)

[Automated Reports and Consolidated Ordering System \(ARCOS\) Reports \(2006 to present\)](#)

[Automated Reports and Consolidated Ordering System \(ARCOS\) Reports \(2000 to 2005\)](#)

- In addition to the above, each DEA Domestic Division maintains a website with useful information for the public, such as press releases and local fugitives. Here are links to the DEA Domestic Division websites:

[Atlanta](#)



[Caribbean](#)

[Chicago](#)

[Dallas](#)

[Denver](#)

[Detroit](#)

[El Paso](#)

[Houston](#)

[Los Angeles](#)

[Louisville](#)

[Miami](#)

[New England](#)

[New Jersey](#)

[New Orleans](#)

[New York](#)

[Omaha](#)

[Philadelphia](#)

[Phoenix](#)

[San Diego](#)

[San Francisco](#)

[Seattle](#)

[St. Louis](#)

[Washington, DC](#)

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

- As stated in question 22, the DEA FOIA Office posted additional publications and statistical data on its website. The information on this page is linked directly from program offices' websites to ensure the most recent and accurate information is provided. For example, DEA's Diversion Control Division continues to update and post ARCOS data on its site. Maintaining the link to this data on the DEA's FOIA website has helped reduce the number of requests for such information.

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

- Yes.

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

- During 2021, the DEA FOIA Office continued to update its public-facing website with new content.
- The DEA FOIA Office posts its FOIA logs as Excel spreadsheets which can be easily exported as comma separated values (CSV) files. Also, the "[FOIA Additional Resources](#)" page contains numerous searchable PDFs.

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

- DEA FOIA professionals meet with stakeholders in the Office of Forensic Sciences, the Information Systems Division, the Diversion Control Division, and the Office of Congressional and Public Affairs to discuss agency records and data appropriate for posting on DEA.gov. These discussions detail which records/information are frequently requested and what, if any, information is appropriate to proactively disclose to reduce and/or eliminate certain requests.

27. Please describe any best practices used to improve proactive disclosures.

- DEA's FOIA professionals continue to engage with field and Headquarters offices to identify frequently requested data and information, and our offices work together to prioritize records for posting on DEA.gov within the FOIA Library. FOIA staff continuously identify items of interest to the public on the DEA.gov website such as the National Drug Threat Assessment Summaries. These items are then linked to the FOIA page to make the information easily accessible to FOIA requesters.

28. Please describe any challenges in the area of proactive disclosures.

- DEA's FOIA Office has been challenged by posting material on DEA.gov/FOIA Library due to the lack of resources and funding needed to make documents compliant with Section 508 of the Rehabilitation Act.

## Section IV

### Steps Taken to Greater Utilize Technology

29. Has your component reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands? \*

- Yes.

30. Please briefly describe any new types of technology your component began using during

the reporting period to support your FOIA program. \*

- DEA's FOIA Office acquired and implemented FOIAXpress Electronic Document Review (EDR) in January 2021. EDR allows for more efficiency in review by leveraging eDiscovery technology to quickly filter, de-duplicate, and categorize responsive content in large volumes of records. All FOIA staff participated in two EDR training sessions and EDR is now available for use by all staff.
- DEA's FOIA Office partnered with the Information Systems Division to establish a central, online request portal that allows members of the public to create a profile, submit a request, check the status of their request, and receive responsive records. The "Public Access Link" or "PAL" has streamlined DEA's process and made it easier for requesters to obtain detailed information pertaining to all requests they submit to DEA. DEA's PAL was launched in September 2021.
- In anticipation of an increase in requests for video/audio footage as a result of the DOJ directive that requires DOJ law enforcement components to begin wearing body worn cameras for certain law enforcement activities, DEA acquired the technology needed to redact video/audio records. DEA's FOIA Office has access to and has been trained on the use of this new technology and will utilize it to process requests for video/audio records.

31. Please describe best practices used in greater utilizing technology.

- Ensuring staff is adequately trained on the use of new technology is very important in successful utilization of the technology. DEA found that offering samples of records for processing and test environments for a more hands-on approach, allowed staff to feel comfortable with the technology prior to practical use.

32. Please describe any challenges your component faces in utilizing technology.

- Although DEA's FOIA Office successfully acquired additional technological tools to assist the staff with more efficient review and processing of high-volume records, there is no tool that will remove the human element required to conduct a quality control review of the documents prior to release. The FOIA Office management team continues to struggle with a high volume of cases to be reviewed before final release.

## **Section V**

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

33. If your component's request backlog increased during FY 2021, please indicate if any of the following were contributing factors:\*

- A loss of staff.
- An increase in the complexity of the requests received.
- Impact of COVID-19 and workplace and safety precautions.

34. If your component's request backlog increased during FY 2021, please describe any other causes that contributed to your component not being able to reduce its backlog.

- In mid-2019, DEA's FOIA Office revamped internal processes and procedures with a strong focus on ensuring effective quality control review of all FOIA/PA cases by the management team prior to disclosure. By tightening internal processes and procedures, DEA has experienced an increase in backlog. The increase in the complexity of FOIA requests received by DEA, along with the ratio between workload to workforce, has presented many challenges to closing large cases timely.

35. Did your component implement a backlog reduction plan last year? If so, describe your component's efforts in implementing this plan and note if your component was able to achieve backlog reduction in Fiscal Year 2021? \*

- Yes. DEA's FOIA Office was reorganized at the beginning of FY 2021 to allow for more efficient management of the high-volume workload including complex FOIA requests and litigation. As part of the reorganization, three specialized units were established: Intake, Processing, and Legal and External Affairs, each led by a GS-306-14 Unit Chief. This reorganization was intended to strengthen the FOIA Office's ability to handle the growing demands placed upon staff. The addition of GS-14 level supervisors within the FOIA Office is intended to assist DEA in reducing the backlog in the future. DEA did not achieve backlog reduction in FY 2021.

36. If your component had a backlog of more than 1,000 requests in Fiscal Year 2021, please explain your component's plan to reduce this backlog during Fiscal Year 2022. In particular, please also detail how your component developed and plans to execute your backlog reduction plans. \*

- DEA plans to continue FY 2021's efforts at backlog reduction with the utilization of three specialized units and the analysis of various metrics to more effectively track the status of requests. DEA's FOIA Office will continue its efforts in filling vacant positions. DEA recently filled one vacant position and made selections for two others. The increase in staff will assist DEA in reducing its backlog.

37. Beyond work on the ten oldest requests, please describe any steps your component took to reduce the overall age of your pending requests. \*

- The FOIA Office's management team meets on a regular basis to discuss the ten oldest cases and they work closely with their team members to move the oldest cases toward closure. The managers ensure requesters are kept informed of the status of their requests and they work with their staff to conduct rolling releases whenever possible. The management team is responsible for monitoring all cases assigned to their team to include the review of monthly reports submitted by their subordinates. The monthly reports identify the current status of each request assigned to their staff. Any discrepancies identified in staff's cases are promptly addressed with the respective employee.

38. Beyond working on the ten oldest consultations, please describe any steps your component took to reduce the overall age of your pending consultations. \*

- The FOIA Office's management team meets on a regular basis to discuss the ten oldest cases and consultations and they work closely with their team members to move the oldest cases toward closure. The management team is responsible for monitoring all cases assigned to their team to include the review of monthly reports submitted by their subordinates. The monthly reports identify the current status of each request assigned to their staff. Any discrepancies identified in staff's cases are promptly addressed with the respective employee.

39. Briefly explain any obstacles your component faced in closing its ten oldest requests and consultations from Fiscal Year 2020. \*

- DEA's FOIA Office has limited personnel resources to process cases including managers to conduct quality control review and approve release of records to requesters. The staff members are constantly juggling between old and new cases, consultations, referrals, and other routine matters. The FOIA Office attempts to conduct rolling releases whenever possible, but the obstacle is the workforce to workload ratio remains unbalanced. With the filling of vacant positions, DEA's FOIA Office is hopeful that the backlog challenges will improve in the future. In addition, several of DEA's ten oldest consultations contain classified documents. Review and coordination of classified records has been difficult during the pandemic due to maximum telework.

40. If your component 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 component, the date when your component sent the consultation, and the date when you last contacted the agency where the consultation was pending.\*

- Not Applicable.

41. If your component did not close its ten oldest pending requests or consultations, please provide a plan describing how your component intends to close those "ten oldest" requests and consultations during Fiscal Year 2022. \*

- As in past years, the management team will meet regularly to discuss the status of the ten oldest requests and consultations and resolve any obstacles impeding completion. The management team will ensure the ten oldest requests and consultations are prioritized and will make rolling releases of records where possible.

42. Out of all the activities undertaken by your component since March 2021 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your component's efforts. The success story can come from any one of the five key areas, but should not be something that you have reported in a prior year. As noted above, OIP will highlight DOJ success stories during Sunshine Week. To facilitate this process, all components 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.\*

### Leveraging New Technology

- DEA's FOIA Office partnered with the Information Systems Division to establish a central, online request portal that allows members of the public to create a profile, submit a request, check the status of their request, and receive responsive records. The "Public Access Link" or "PAL" has streamlined DEA's process and made it easier for requesters to obtain detailed information pertaining to all requests they submit to DEA. DEA's PAL was launched in September 2021.
- In anticipation of an increase in requests for video/audio footage as a result of the DOJ directive that requires DOJ law enforcement components to begin wearing body worn cameras for certain law enforcement activities, DEA acquired the technology needed to redact video/audio records. DEA's FOIA Office has access to and has been trained on the use of this new technology and will utilize it to process requests for video/audio records.



## **2023 Chief FOIA Officer Report Drug Enforcement Administration**





**Drug Enforcement Administration  
Chief FOIA Officer Report  
Fiscal Year 2023**

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**Kelleigh A. Miller  
Chief FOIA Officer**

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## **Section I: FOIA Leadership and Applying the Presumption of Openness**

### **1. What steps has your component taken to incorporate FOIA into its core mission?**

The Drug Enforcement Administration's (DEA) mission is to enforce the controlled substances laws of the United States. DEA utilizes unique operational and intelligence capabilities to investigate, disrupt, and dismantle major drug trafficking organizations and those who facilitate them; remove drugs and violent criminals from our neighborhoods; and fight the diversion of licit drugs. DEA's dedicated workforce consists of nearly 10,000 employees in positions which include Special Agents, Diversion Investigators, Intelligence Research Specialists, pharmacologists, attorneys, pilots, and administrative professionals across 239 domestic offices in 23 divisions throughout the United States, 92 foreign offices in 69 countries, 9 laboratories, and over 150 Headquarters Divisions and Offices.

DEA promotes transparency by utilizing social media platforms and the agency's website to post information about the dangers of drugs and inform the public of the agency's efforts to dismantle organizations involved in the growing, manufacturing, or distribution of controlled substances appearing in or destined for illicit traffic in the United States. Keeping the public informed is key to saving lives. As such, DEA has placed a strong emphasis on educating the public about the dangers of opioids, including the alarming increase in the lethality and availability of fake prescription pills containing fentanyl and methamphetamine. DEA regularly shares information with the public on DEA.gov as it relates to the agency's efforts to reduce the supply of fentanyl across the United States.

DEA is committed to increasing public trust in law enforcement's efforts to protect communities from the dangers of drugs and ensuring fair and impartial justice for all. DEA recently posted the agency's interim Body Worn Camera (BWC) policy on DEA.gov. The policy outlines the agency's policies and practices as it relates federal law enforcement officers' use of BWCs during search and arrest operations. DEA is committed to transparency, accountability, and strengthening the trust between law enforcement officers and the communities we serve.

DEA's Freedom of Information/Privacy Act (FOIA/PA) Unit also processes many Freedom of Information Act (FOIA) requests for access to records on investigative priorities and other mission-related topics. The FOIA/PA Unit's mission is to ensure efficient and appropriate agency compliance with the FOIA and Privacy Act (PA) and provide DEA's requester community with access to non-exempt agency records through a robust and results-oriented FOIA/PA program in accordance with all federal laws and Department of Justice regulations. The FOIA/PA Unit seeks to ensure openness and transparency to better serve individuals seeking information about the DEA and its operations without compromising national security, confidential business information, law enforcement investigations, or personal privacy. All DEA Divisions/Offices have an assigned FOIA Liaison who is responsible for coordinating record searches within their respective offices, collecting responsive material from record custodians, and providing records to the FOIA/PA Unit. The FOIA Liaisons also regularly communicate with the

FOIA/PA Unit staff and managers to work through any issues pertaining to requests and discuss search strategies.

DEA's senior leadership actively supports FOIA/PA programs, initiatives, and goals. The FOIA/PA Unit reports to the Office of Chief Counsel, FOIA and Information Law Section.

DEA is proud of the work our dedicated team has done over the last few years to strengthen the agency's FOIA/PA program and increase the size of the FOIA/PA workforce to handle the high volume and complex requests received by DEA. The FOIA/PA Unit has modernized its program by leveraging technology to enhance request processing, improved the agency's FOIA/PA policy to better serve the needs of the public as well as agency employees, streamlined internal processes and procedures for greater efficiency, improved DEA's public-facing FOIA/PA webpages (i.e., DEA.gov/foia), identified effective methods to reduce backlog, increased FOIA/PA trainings and briefings for agency staff, and increased senior staff positions to support the growing needs of the office.

The FOIA/PA Unit educates DEA staff on their FOIA/PA responsibilities in a variety of ways to include sharing educational materials available on the DEA intranet and conducting in-person or virtual trainings. The FOIA/PA Unit also shares information about the FOIA and PA with agency staff worldwide during the FOIA Sunshine Week which takes place in the beginning of March each year.

- 2. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your component provide such confirmation in its response letters?**

Yes. In April of 2022, DEA's FOIA/PA Unit added the foreseeable harm language to all final determination letters.

- 3. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a Glomar response. In addition to tracking the asserted exemption, does your component specifically track whether a request involved a Glomar response?**

This information was not tracked during Fiscal Year (FY) 2022; however, at the beginning of FY 2023, DEA's FOIA/PA Unit instituted a new process to specifically track the use of the Glomar response. See question 5 for more information.

4. **If yes, please provide:**

- a. **The number of times your component issued a full or partial Glomar response (separate full and partial if possible);**

Not applicable.

- b. **The number of times a Glomar response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).**

Not applicable.

5. **If your component does not track the use of Glomar responses, what would your component need to do to track in the future? If possible, please describe the resources and time involved.**

In October 2022, an option was added in DEA's FOIA/PA case management system (i.e., FOIAXpress) which allows managers to select "Glomar" each time the FOIA/PA Unit provides a Glomar response to a requester. The FOIA/PA Unit now has the ability to generate reports on the use of the Glomar response when requested by DEA management or the Department of Justice, Office of Information Policy (OIP).

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

The FOIA/PA Unit continuously reviews internal processes and procedures to ensure overall FOIA administration is sufficient. To ensure compliance with Attorney General Merrick Garland's (AG) March 15, 2022 memorandum titled Freedom of Information Guidelines and AG Garland's expectations concerning the presumptions of openness, DEA has taken the following actions:

- When the FOIA/PA Unit determines that it cannot make a full disclosure of a requested record to a requester, the unit considers whether partial disclosure of information is possible and takes reasonable steps to segregate and release non-exempt information.
- When the FOIA/PA Unit determines that information contained in agency records falls within an exemption, the unit ensures it can identify a foreseeable harm or legal bar to disclosure. The FOIA/PA Unit makes discretionary disclosures whenever possible.
- To help ensure proper application of the foreseeable harm standard, the FOIA/PA Unit added language to its final determination letters to requesters stating they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

FOIA/PA Unit staff and managers conduct frequent outreach with requesters to clarify the scope of the complex requests and better identify the type of agency records sought. Effective communication has benefited both the FOIA/PA Unit staff and requester community. Agency record searches and processing timelines have also become more manageable for certain types of requests.

## **Section II: Ensuring Fair and Effective FOIA Administration**

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

During FY 2022, DEA made the following OIP FOIA trainings available to all agency employees via DEA's Learning System (DEALS):

- Freedom of Information Act Training for Federal Employees (JMD-OIP-MNTG-CS-0004)
- Freedom of Information Act Training for FOIA Professionals (JMD-OIP-MNTG-CS-0005)
- Freedom of Information Act Training for Executives (JMD-OIP-MNTG-CS-0001)

In October and November 2022, the Chief FOIA Officer hosted a FOIA Best Practices discussion for all Regional and Division Counsel assigned to DEA's domestic field offices. Topics covered during the discussion included: staff's obligations under the FOIA; expectations concerning record searches; FOIA process improvements; and the importance of effective communication between the field and FOIA staff to best support agency staff with responding to FOIA/PA requests.

A FOIA/PA Educational Series document was also shared with Regional and Division Counsel and they were encouraged to share it with their division employees. The document covers topics such as definitions of the FOIA and PA, FOIA/PA exemptions, agency employees' responsibility under the Acts, definitions of foreseeable harm and reasonable search, and an explanation of DEA's internal FOIA/PA processing procedures. The Educational Series document is also available on the FOIA/PA Unit's intranet page and available to all agency personnel.

DEA's FOIA/PA intranet page contains additional training resources for agency personnel to include a FOIA/PA Guidebook, a DEA FOIA internal process map, and an outline of the overlap and differences between the FOIA and PA.

8. **If your FOIA professionals or the personnel at your component who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice, please provide a brief description of**

**the type of training attended or conducted and the topics covered. (Answer N/A if no substantive FOIA training was provided.)**

All FOIA/PA Unit personnel, to include contractors and supervisors, are required to take one or more FOIA/PA training courses offered by OIP on an annual basis. Staff have participated in the following OIP courses during FY 2022: Introduction to the FOIA, Privacy Considerations, Procedural Requirements and Fee Training, Exemption 4 and 5, FOIA Processing – Start to Finish; and FOIA Litigation Seminar.

DEA also made OIP FOIA trainings available to all agency employees via DEA's Learning System (DEALS). Staff assigned to the FOIA/PA Unit were required to complete FOIA Training for Federal Employees and FOIA Training for FOIA Professionals.

The FOIA/PA Unit has conducted numerous trainings for employees assigned to the FOIA/PA Unit. This training was conducted by the Chief FOIA Officer, Unit Chiefs, and senior FOIA staff for employees assigned to the FOIA/PA Unit. Training topics included FOIA Exemptions 6 and 7; records processing training; conducting record searches; requester outreach training; Glomar and categorical denial responses; processing email records and use of the (c)(1) exclusion. Staff also participated in legal research courses such as LexisNexis/Courtlink training.

9. **Please provide the number of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.**

One hundred percent of the staff assigned to the FOIA/PA Unit (22 full-time FOIA staff during FY 2022) have attended substantive FOIA training during this reporting period.

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

Not applicable.

**Describe any efforts your component has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your component provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your component received a briefing on your component's FOIA resources, obligations and expectations during the FOIA process?**

DEA's FOIA/PA intranet page contains a wealth of resources for agency personnel to include a FOIA/PA Guidebook, an internal FOIA/PA process map, an outline of the differences between the FOIA and PA, and the FOIA/PA Unit's staff roster and contact information.

During FY 2022 Sunshine Week, FOIA/PA educational materials were posted on DEA's intranet site for all agency employees.

In August 2022, the Chief FOIA Officer conducted a FOIA/PA briefing for Office of Chief Counsel Section Chiefs and the Deputy Chief Counsels. The briefing included an overview of many process improvements in the FOIA/PA program.

The Chief FOIA Officer regularly meets with managers across DEA to discuss complex FOIA/PA requests. She educates managers on their responsibilities under the FOIA/PA and often provides guidance on record searches.

In October and November 2022, the Chief FOIA Officer hosted a FOIA Best Practices discussion for all Regional and Division Counsel assigned to DEA's domestic field offices. Topics covered during the discussion included: staff's obligations under the FOIA; expectations concerning record searches; FOIA process improvements; and the importance of effective communication between the field and FOIA staff to best support agency staff with responding to FOIA/PA requests.

- 11. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your component's FOIA administration.**

DEA's FOIA professionals did not formally engage in outreach or dialogue, outside of the standard request process. The FOIA/PA Unit staff's outreach in the ordinary course of the request process has been effective.

- 12. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.**

The Intake Sub-Unit staff provides requesters with assistance in narrowing or clarifying requests, and direct requesters to frequently requested records available on DEA.gov within the FOIA Library.

The FOIA/PA Unit Chiefs also conduct frequent outreach with requesters to discuss complex and voluminous requests. They often negotiate with requesters to reach a manageable timeline or volume of records for search and processing. One example is a



request DEA received from a media representative seeking 10 years of investigative reports and related data that would have taken the FOIA/PA Unit over a year to collect and process. The Chief FOIA Officer contacted the requester to see if they were willing to narrow the scope of the request to expedite processing. The requester agreed and DEA proceeded with the search and processing of one year of records related to investigative reports and related data. Records were released to the requester five months after the agreement to narrow the scope of the initial request.

The FOIA/PA Unit Chiefs and staff also regularly communicate with FOIA requesters to discuss complex cases, clarify requests, and work to narrow voluminous requests whenever possible. The FOIA/PA Unit was operating with extreme staffing shortages during FY 2022 (19 vacancies as of November 15, 2022). As such, frequent outreach and transparency with requesters was especially important. The FOIA/PA Unit provided status updates and conducted rolling releases whenever possible.

- 13. 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 component's FOIA Public Liaison during Fiscal Year 2022 (please provide a total number or an estimate of the number).**

DEA's FOIA Public Liaison is available during normal business hours to assist requesters with questions or concerns; however, due to the fact that the Intake Sub-Unit effectively handles the majority of phone calls and emails received from requesters, DEA's FOIA Liaison typically handles no more than 10 inquiries or concerns from requesters per year.

- 14. Has your component evaluated the allocation of personnel resources needed to respond to current and anticipated FOIA demands? Please describe what changes your component has or will implement.**

The FOIA Unit is actively recruiting and hiring for open positions. The Chief FOIA Officer has also requested 10 positions to support the potential surge in FOIA/PA related requests related to law enforcement officers' use of Body-Worn Cameras during search and arrest operations. DEA's budget request for additional personnel resources to support BWC is pending congressional approval.

The FOIA/PA Unit has made significant changes to the structure of the office to better support the overall division of labor. The managers also continuously identify ways to streamline business processes for greater efficiency. Through the establishment of three FOIA Sub-Units in FY 2021, which includes Intake, Processing, and Legal and External Affairs, the FOIA/PA Unit has been able to reorganize the high-volume workload under a specialized team approach. New FOIA staff are assigned to the Intake Sub-Unit to learn the full scope of the FOIA process from start to finish, and are trained by senior FOIA staff. Staff must demonstrate their ability to take on more challenging work in order to transition to the Processing Team. Functional responsibilities of each team were

realigned to better support overall FOIA operations. The Sub-Unit responsibilities include:

#### Intake Sub-Unit

- Monitor receipt of all incoming requests;
- Responsible for sending record searches to DEA offices globally;
- Once records are returned and reviewed for completeness, staff assign the case to the Processing Sub-Unit supervisor for assignment to a Government Information Specialist or Paralegal for processing;
- Responsible for handling all Glomar and categorical denial responses, fee waiver and expedited treatment requests, no record responses, deficient requests, and (c)(1) exclusion coordination with OIP;
- Communicate with requesters to clarify requests;
- Communicate with requesters to narrow the scope of requests when appropriate;
- Educate requesters on the internal FOIA process and procedures; and
- Periodically assigned special projects such as creation of FOIA logs, Standard Operating Procedures, and uploading of frequently requested records to the FOIA Library.

#### Processing Sub-Unit

- Responsible for reviewing and processing all agency records under the FOIA/PA;
- Keep requesters informed as to the status of their request and provide an estimated completion date;
- Communicate with requesters to narrow the scope of requests when appropriate; and
- Educate requesters on the internal FOIA process and procedures.

#### Legal and External Affairs Sub-Unit

- Work closely with FOIA and Information Law attorneys on all FOIA litigations and litigation consultations or referrals received from other federal agencies;
- Responsible for handling all incoming referrals and consultations (non-litigation) received from other federal agencies;
- Respond to all inquiries received from OIP as it pertains to DEA FOIA appeals; and
- Coordinate declassification reviews of records responsive to FOIA/PA requests with the appropriate declassification review authorities in DEA.

In an effort to reduce backlog, the Unit Chiefs have also delegated certain types of requests to GS-13 senior staff to conduct final review and authorize release of processed records to requesters. The FOIA/PA Unit sought approval to hire four additional Expert Government Information Specialists (GS-0306-13) to support the review of complex cases and authorization to release processed records to requesters. There is a need for additional supervisory support to assist DEA with reducing the FOIA backlog in the future.

**15. How does your component use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.**

DEA utilizes reports within the FOIA/PA case management system to ensure efficient assignment and oversight of the office's workload. FOIA/PA requests are equally shared among the staff of the Intake, Processing, and Legal and External Affairs Sub-Units.

Employee caseload is closely monitored by management to ensure incoming requests are assigned to staff timely. A request assignment dashboard is reviewed before determining which staff member to assign incoming work. The FOIA/PA Unit employees have approximately 60-75 FOIA requests in-progress within their queues at all times. The management team ensures the workload is fairly balanced among the staff.

The managers have established multiple queues to identify simple versus complex requests. Simple requests are reviewed and closed as quickly as possible by senior staff. Upon completion of the records processing, complex requests are assigned to one of four managers to review and approve release authorization.

**16. Optional -- If there are any other initiatives undertaken by your component to ensure fair and effective FOIA administration, please describe them here.**

The FOIA/PA Unit managers and senior staff closely monitor individual employee and office-wide workload by generating weekly reports in FOIAXpress. Supervisors conducted effective oversight and assessment of all cases assigned to their teams. Employees are also required to submit monthly case status reports to their supervisors. Supervisors quickly identified and remedied issues pertaining to pending requests. Corrective action plans were issued to staff to move aged cases forward. Rolling releases were conducted on high-volume or complex cases whenever possible.

The FOIA management team met regularly to discuss complex cases, identify areas for improvement, and implement process changes when necessary. DEA also utilized OIP's FOIA Self-Assessment Toolkit during FY 2020 and FY 2022. Based on the self-assessment score, DEA is operating a successful FOIA/PA program despite significant resource shortages. DEA's goal for FY 2023 is to obtain additional personnel resources to sustain a long-term fair and effective FOIA administration. The FOIA/PA Unit must be better prepared to handle current as well as anticipated demands such as the potential surge in FOIA/PA requests related to the agency's use of Body-Worn Cameras by federal law enforcement officers during search and arrest operations.

### **Section III: Proactive Disclosures**

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

The FOIA/PA Unit works closely with the Office of Public Affairs to post (a)(2) disclosures on DEA.gov within the FOIA Library. Significant staffing shortages (19 vacancies as of November 15, 2022) have limited the FOIA/PA Unit's ability to frequently post records on DEA.gov during FY 2022 since the staff's primary focus was processing incoming requests and closing aged requests.

The FOIA/PA Unit seeks to make FOIA-processed records more readily available to DEA's requester community and reduce backlog by increasing reliance on dissemination of records via the FOIA Library on DEA.gov. Once the FOIA/PA Unit returns to full staffing, the goal is to assign at least two staff members to identify, track, and post agency records within the FOIA Library on a monthly basis.

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

The following information was posted to DEA's FOIA Library during FY 2022:

- Monthly [FOIA Logs](#) for FY 2021 and FY 2022 (through first quarter)
- [DEA's Asset Forfeiture](#) webpage
- [National Forensic Laboratory Information System](#) webpage
- [Pharmacy Burglary and Armed Robbery Theft Reports for Controlled Substances 2015-2018](#) webpage
- [DEA's Interim Body-Worn Camera Policy](#)

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

Yes.

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

During FY 2022, the FOIA/PA Unit worked with the Office of Public Affairs to update pages on the public-facing FOIA/PA website. The FOIA/PA Unit continues to make

periodic changes to the public-facing website to ensure that the posted content is educational, informative, user-friendly, and easy to navigate.

The FOIA/PA Unit posts FOIA logs as excel spreadsheets that can be easily exported as comma separated values (CSV) files, which is the format preferred by the requester community.

DEA's Chief Data Officer and Chief FOIA Officer have discussed making the most frequently requested datasets more useful and available to the public. The datasets will be posted in open, machine-readable formats to the extent possible. The datasets will be posted on the Data and Statistics webpage on DEA.gov and linked to the FOIA Library. This initiative will continue into FY 2023.

**21. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.**

Yes. The FOIA/PA Unit works closely with a web developer assigned to the Office of Public Affairs to post records within the FOIA Library. The Chief FOIA Officer also has been collaborating with the Chief Data Officer to identify DEA datasets appropriate for proactive disclosure. This initiative will continue into FY 2023.

**22. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your component faces in this area.**

The FOIA/PA Unit has been challenged by extreme staffing shortages (19 vacancies as of November 15, 2022). Once the vacant positions are filled, management plans to establish a team to manage all proactive disclosures in the future. The team will be assigned to identify and post frequently requested records to the FOIA Library on a monthly basis.

The FOIA/PA Unit is challenged by the lack of personnel resources and funding required to make publicly posted documents compliant with Section 508 of the Rehabilitation Act. Since DEA does not have staff with expertise in making records Section 508 compliant, this requirement must be outsourced. Funding is limited in this area.

**Section IV: Steps Taken to Greater Utilize Technology**

**23. Has your component reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?**

Yes.

**24. Please briefly describe any new types of technology your component uses to support your FOIA program.**

The FOIA/PA Unit management team has requested technological resources to expedite the initial review of large volumes of emails and attachments responsive to FOIA/PA requests. During FY 2022, the Chief FOIA Officer partnered with the Chief of DEA's Digital Evidence Laboratory's e-Discovery Unit to establish a workflow which will enable the FOIA/PA Unit staff to utilize Relativity to expedite the initial review and organization of hundreds, and sometimes thousands, of email records and attachments. The FOIA/PA Unit staff attended a two-day Relativity training course to learn how to use Relativity to organize large volumes of records and conduct a responsiveness review prior to the redaction of records. Since the start of FY 2023, the FOIA/PA Unit has begun to ingest large volumes of records potentially responsive to FOIA requests into Relativity. The goal is to expedite the initial responsiveness review and reduce the amount of time it takes the FOIA/PA Unit staff to process records.

The FOIA/PA Unit will continue to leverage technology to accelerate processing. This will enable DEA to release responsive records timelier to requesters in the future and reduce backlog.

- 25. Does your component currently use any technology to automate record processing? For example, does your component use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.**

No. The Chief FOIA Officer requested an Artificial Intelligence (AI) "add-on" tool for the current FOIA/PA case management system in FY 2022, but funding was denied. The FOIA/PA Unit requires machine learning tools to expedite the processing of records under the FOIA/PA and reduce backlog. The Chief FOIA Officer has partnered with the Chief of the e-Discovery Unit to identify methods to improve FOIA/PA request processing. With the use of Relativity, the FOIA/PA Unit may have the ability to utilize predictive coding in the future to make the redaction and application of exemptions on records easier. Management discussions about implementing predictive coding technology for FOIA/PA processing work will continue into FY 2023.

- 26. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your component faces in this area.**

Although DEA's FOIA/PA Unit has acquired additional technological tools to assist the staff with more efficient review and processing of high-volume records, there is no tool that will eliminate the need for a senior staff member to conduct a final quality control review of sensitive documents prior to release. The FOIA/PA Unit management team continues to struggle with the number of high volume and complex cases requiring final review before release to a requester. The Chief FOIA Officer has requested additional personnel resources at the GS-13 and GS-14 level to support the final review of records responsive to FOIA/PA requests.

**Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs**

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

Yes.

**c. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.**

The Chief FOIA Officer has communicated with the Office of Training to discuss first-party requests for training records which the FOIA/PA Unit receives from former DEA Special Agents (SA). Since SA training records rarely contain third-party information, it was agreed that the Office of Training should disclose the records to first-party individuals; rather than ask requesters to submit a FOIA/PA request for access to such records. The Office of Training agreed to start releasing these records to first-party requesters. The SA training records will be reviewed by the Office of Training prior to release to the requester.

**28. If your component's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2022 Annual FOIA Report, please describe the steps your component will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

During FY 2022, the FOIA/PA Unit's management team identified that the process to adjudicate requests for expedited treatment required improvement. As such, a specific queue was established to quickly identify requests for expedited treatment. One Unit Chief closely manages this queue to ensure that requests are adjudicated within ten calendar days. The Unit Chief also receives a weekly report on incoming requests for expedited processing. This report has helped the FOIA/PA Unit ensure requests for expedited processing are adjudicated timelier than in the past.

**29. If your component's request backlog increased during Fiscal Year 2022, please explain why and describe the causes that contributed to your component not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:**

**d. An increase in the number of incoming requests**

The FOIA/PA Unit received 362 more FOIA requests in FY 2022 as compared to FY 2021. The number of backlogged requests at the end of FY 2021 was 1,355. The

number of backlogged requests at the end of FY 2022 was 1,813. The FOIA/PA Unit experienced a 34% increase in backlogged cases from FY 2021 to FY 2022.

Despite the overall increase in requests and significant resource shortages, DEA reduced its simple processing time from 11.21 days in FY 2021 to 8.03 days in FY 2022 by setting up specific work queues to identify and close simple cases timelier.

**e. A loss of staff**

The FOIA/PA Unit experienced a high number of staff retirements and departures throughout FY 2021 and FY 2022. As of November 15, 2022, the FOIA/PA Unit has 19 staff vacancies which includes 11 government positions and 8 contract positions. In October 2022, the Human Resources Division (HR) posted two advertisements on USAJOBS for Government Information Specialist (GS-0306-11/12) and Expert Government Information Specialist (GS-0306-13) positions. Prior to the October 2022 posting on USAJOBS, the last time the FOIA/PA Unit was able to advertise vacant FOIA positions on USAJOBS was June 2021. The FOIA/PA Unit has also experienced difficulty with attracting candidates with substantive FOIA experience for Government Information Specialist positions. This has made filling vacant positions challenging. Further, once candidates are selected for FOIA/PA positions, it has taken anywhere from four months to a year to onboard the new staff. The inability to fill vacant positions timely has had a negative impact on the backlog.

**f. 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)**

The Chief FOIA Officer revamped internal processes and procedures with a strong focus on ensuring effective quality control review of all FOIA/PA requests by the management team prior to disclosure. By strengthening internal processes and procedures, DEA has experienced a 67 percent reduction in FOIA appeals filed to OIP since FY 2018. While the reduction in appeals is significant, DEA has also experienced an increase in backlog. The increase in the complexity of FOIA requests received by DEA, along with the workload to workforce imbalance, has presented many challenges to closing large cases timely. As such, the Chief FOIA Officer submitted a proposal to DEA management in 2022 to double encumber senior staff positions at the GS-13 and GS-14 level to allow for more efficient management of the high-volume workload including final review of complex FOIA/PA requests and litigation cases. The addition of senior level positions within the FOIA/PA Unit will enable DEA to more effectively address the FOIA/PA backlog. The proposal was approved for the increase in GS-13 positions. The GS-14 positions will require additional review.

A vacancy announcement was posted on USAJOBS in October 2022 for four Expert Government Information Specialists (GS-0306-13). It is difficult for DEA to



determine how long it may take before candidates are selected and onboarded; however, the FOIA/PA Unit is moving in the right direction by recruiting additional senior staff to help address the backlog in the future.

In FY 2022, the FOIA/PA Unit continued to receive complex FOIA requests concerning sensitive topics requiring coordination and review with various DEA offices and other DOJ components. Examples of such requests were records related to the nationwide protests of 2020 and the January 6, 2021 attack on the Capitol. These requests involved over 40,000 pages of records for review. The assorted layers of coordination have added significantly to the time needed to respond to these requests and contributed to the increase in DEA's backlog.

**g. Impact of COVID-19 and workplace and safety precautions**

COVID-19 has had a minimal impact on the FOIA/PA Unit's ability to process FOIA/PA requests. During FY 2020 and FY 2021, the Federal Records Centers (FRC) across the U.S. were either closed or operating with limited resources. This had an impact on the FOIA/PA Unit's ability to retrieve archived records responsive to FOIA/PA requests timely. During this time, the FOIA/PA Unit kept requesters informed of the status of their requests. Once the FRCs resumed normal operations, DEA was able to work with the field offices to retrieve responsive records from archives and begin processing records for disclosure.

From March 2020 to April 2022, FOIA/PA Unit staff were working in a maximum telework capacity due to COVID-19. The maximum telework posture limited the staff's ability to work on requests involving records classified SECRET, CONFIDENTIAL, or Top Secret/Sensitive Compartmented Information (TS/SCI). As such, FOIA/PA Unit staff were scheduled to go into the office on an as-needed basis to process classified records responsive to FOIA/PA requests. Administrative personnel were also required to go into the office to check the mail no less than every other week so that requests received via United States Postal Service could be scanned and uploaded to the case management system and assigned to staff for further action.

**h. Any other reasons – please briefly describe or provide examples when possible.**

The FOIA/PA Unit has reached a major workload to workforce imbalance which has negatively impacted the backlog. As of the writing of this report, the FOIA/PA Unit vacancies include one Unit Chief (GS-0306-14), four Expert Government Information Specialists (GS-0306-13), five Government Information Specialists (GS-0306-7/12), and nine paralegals (contractors). DEA recently posted advertisements on USAJOBS for the Government Information Specialist and Expert Government Information Specialist positions.

The lack of resources, particularly at the management level, has presented many challenges. The FOIA/PA Unit does not have the resources to aggressively tackle the backlog (approximately 1,800 cases), while also focusing on closing our 10 oldest cases, 10 oldest consultations, and addressing pending classified appeals. The management team consists of four individuals and each maintain a large number of FOIA/PA cases for final review. The managers have anywhere from 250-400 cases pending review in their respective queues while managing other essential duties that include, but are not limited to: providing support on DEA FOIA litigation cases and FOIA litigation consultations; providing guidance to FOIA staff on complex cases; conducting regular meetings and training for staff; exploring new methods to enhance business processes; identifying options for innovation to improve work accomplishments; issuing guidance to staff on FOIA/PA related matters; interviewing potential candidates for FOIA positions; consulting with DEA program offices and managers to discuss complex FOIA/PA cases; contacting requesters to discuss FOIA/PA requests; participating in FOIA advisory boards and various working group or agency meetings; responding to frequent agency and DOJ data calls; and completing tasks that are non-FOIA related. The Chief FOIA Officer has requested to double encumber senior positions (GS-13 and GS-14 level) to more effectively handle the high-volume workload to include final review of complex FOIA/PA cases.

**Did your component implement a backlog reduction plan last year? If so, describe your component's efforts in implementing this plan and note if your component was able to achieve backlog reduction in Fiscal Year 2022?**

The FOIA/PA Unit took the following steps reduce backlog:

- Specific queues were established to identify and close simple cases timelier. As a result, the Intake Sub-Unit Chief was able to close 504 cases in FY 2022.
- Management delegated final review, signing of determination letters, and authorization to release records to two GS-13 staff members for specific types of requests such as Glomar and categorical denial responses, and no record and deficient request responses. The FOIA/PA Unit was able to close over 350 of these types of requests in six months.
- The Chief FOIA Officer sought approval to hire four GS-13 Expert Government Information Specialists (EGIS). A vacancy announcement was posted on USAJOBS in October 2022. The EGISs will be assigned to review complex FOIA cases. The EGISs will also be assigned to conduct final review, sign determination letters, and authorize release of processed records to requesters.
- The Chief FOIA Officer sought approval to advertise vacant Government Information Specialist positions. A vacancy announcement was posted on USAJOBS in October 2022.
- The Chief FOIA Officer is working with the Office of Acquisition Management to review seven proposals from companies seeking to provide FOIA Analyst support services to DEA. FOIA Analysts are required to have three years of

experience and a four-year college degree. DEA hopes to award this contract by the end of December 2022. Staff with three years of prior experience will be able to help the FOIA/PA Unit reduce the backlog within the intake and processing work queues.

- The Chief FOIA Officer has met with leadership to discuss the need for additional senior staff positions and two additional teams to support FOIA operations. There is a need for a second Processing Sub-Unit and a Special Projects Sub-Unit to better manage the high-volume workload and number of functional responsibilities placed on the FOIA/PA Unit.

**30. If your component had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your component's plan to reduce this backlog during Fiscal Year 2023.**

Please see the response to question number 30.

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

The FOIA/PA Unit management team meet on a regular basis to discuss the 10 oldest and other aged requests. During FY 2022, the FOIA/PA Unit closed three of the 10 oldest requests. The FOIA/PA Unit also conducted partial releases for two of the 10 oldest requests. The managers work closely with their subordinate staff to move aged cases toward closure. The managers keep requesters informed of the status of their requests and they work with their staff to conduct rolling releases whenever possible. The management team is responsible for monitoring all cases assigned to their team to include the review of monthly reports submitted by their subordinates. The monthly reports identify the current status of each request assigned to subordinate staff. Any discrepancies identified in staff's cases are promptly addressed with the respective employee.

The FOIA/PA Unit's ability to close aged cases has been impacted by significant resource shortages in FY 2022. As such, the Chief FOIA Officer sought the assistance of a FOIA attorney with conducting final review of three of the 10 oldest cases. This enabled the FOIA/PA Unit to close those cases during the review period.

**32. If your component did not close its ten oldest pending requests or consultations, please explain why and provide a plan describing how your component intends to close those "ten oldest" requests and consultations during Fiscal Year 2023.**

During FY 2022, the management team met regularly to discuss the status of the 10 oldest requests and consultations and resolve obstacles impeding completion. Significant staffing shortages impacted the FOIA/PA Unit's ability to close all 10 requests and consultations. The Chief FOIA Officer sought the assistance of a FOIA attorney with final reviews of three of the 10 oldest cases. This enabled the FOIA/PA Unit to close those cases during the review period. In an effort to reduce backlog, the Chief FOIA

Officer will continue to request the support of FOIA attorneys assigned to the FOIA and Information Law Section as needed with the review of the 10 oldest requests and consultations.

DEA received 1,241 FOIA/PA requests in FY 2021 and 1,603 requests in FY 2022. The FOIA/PA Unit has limited resources to process requests including managers to conduct quality control reviews and approve release of records to requesters. FOIA/PA cases range in page count from 1 to 20,000. The staff is juggling between simple and complex cases, consultations, referrals, litigation cases, and other FOIA/PA projects. The FOIA/PA Unit attempts to conduct rolling releases whenever possible, but the obstacle is the longstanding workforce to workload imbalance.

In order for the FOIA/PA Unit to close the 10 oldest requests and consultations in FY 2023, additional personnel resources must be obtained. The FOIA/PA Unit does not have sufficient resources to address the 10 oldest requests and consultations, along with many other competing priorities. As such, the Chief FOIA Officer will continue to seek the support of FOIA attorneys to conduct final review until additional personnel resources to support the FOIA/PA Unit are obtained.

**33. Were any requests at your component the subject of FOIA litigation during the reporting period? If so, please describe the impact on your component's overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.**

Yes. There were 15 FOIA lawsuits filed against DEA in FY 2022. In addition to the lawsuits filed against DEA, the FOIA/PA Unit also received 55 referrals and consultations of records for review from components and other agencies involved in litigation. The nature of the requests in litigation varied in subject matter.

The Legal and External Affairs Sub-Unit handles the processing of all litigation requests with the Sub-Unit Chief reviews all litigation records before release. The Sub-Unit Chief also completes the processing of some records due to staff shortages. The Legal and External Affairs Sub-Unit also processes all incoming, non-litigation referrals and consultations. Because of the time sensitive and time intensive nature of litigation cases, the completion of non-litigation referrals and consultations have been delayed. This has led to an increase of DEA's overall backlog and contributed to the inability to close older consultations.