

DEPARTMENT OF ENERGY

2026 CHIEF FREEDOM OF INFORMATION ACT (FOIA) OFFICER REPORT

Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Department of Justice’s (DOJ) 2022 [FOIA Guidelines](#) is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

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

Yes.

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

Jeffrey Novak, Principal Deputy General Counsel

- 3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?**

In May, 2025, the Office of the General Counsel took over responsibility for the FOIA program at the Department of Energy (DOE) from the Office of Management. This action was part of a realignment of responsibilities and a means to improve efficiency and best utilize resources at DOE and is consistent with DOE’s overall mission.

B. Presumption of Openness

- 4. DOJ'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 agency provide such confirmation in its response letters?**

Yes. The Department provides language in its FOIA response letters that it has considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

5. **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. If your agency tracks Glomar responses, please provide:**

- **the number of times your agency issued a full or partial Glomar response during Fiscal Year (FY) 2025 (please separate full and partial Glomar responses if possible);**
- **the number of times a Glomar response was issued by exemption during FY 2025 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).**

This information is not tracked at the Department.

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

The FOIA process at DOE consists of multi-layered reviews that include the Office of the General Counsel (GC). This office must review and concur on all withholdings using a FOIA exemption. Record holders are asked to advise on sensitive information contained in documents that should be protected; however, it must still be approved by GC. Record holders are also asked to articulate the harm that would be caused if the information were to be released. The FOIA analyst and GC then review the documents to determine if the threshold of the identified exemption is met and whether there is a justifiable harm. If a justifiable harm cannot be identified by the Department, record holders are advised that release is warranted, and the presumption of openness prevails.

DOE, including the National Nuclear Security Administration (NNSA), is currently revamping its FOIA Library as part of its commitment to openness. This is an ongoing process which includes making information more accessible by exploring search function options, ensuring the site is 508 compliant, and incorporating additional documentation that may be of interest to requesters. The goal is to make the FOIA Library an easily accessible and useful tool for requesters and the public.

Section II: Ensuring Fair and Effective FOIA Administration

DOJ's 2022 [FOIA Guidelines](#) provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” DOJ also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA Training

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

Under the direction of the Chief FOIA Officer, the Department's FOIA Office continued to provide training on the FOIA program to agency employees. The training covers FOIA process, application of exemptions, and employees' responsibilities under the FOIA. During the trainings, DOE employees receive clarification to questions they have about processing and other areas of concern. Additionally, the FOIA training website is provided by the Department of Justice (DOJ) and the American Society of Access Professionals (ASAP) and employees are encouraged to use them as a source of opportunities for training. Senior Executive Service employees are also provided FOIA overview training upon entering the agency.

- 2. Did your FOIA professionals, or other personnel at your agency with FOIA responsibilities, attend substantive FOIA training during the reporting period, such as training provided by the Department of Justice?**

Yes.

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

DOE FOIA professionals attended DOE-led training on FOIA exemptions, processing, searching for records, and a wide-variety of FOIA-related topics. In addition, some attended the following virtual DOJ-led trainings: *Introduction to the Freedom of Information Act*; *Processing a Request from Start to Finish*; *Exemption 1 and Exemption 7 Training*; *Exemption 4 and Exemption 5 Training*; *Advanced FOIA Training*; *Privacy Considerations Training*; and *Litigation Training*. Some employees also attended the seminar conducted by the American Society of Access Professionals on *Case Law Development*.

- 4. 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.**

Approximately 80% of FOIA professionals attended some form of substantive FOIA training during this reporting period.

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

See answer to no. 4, supra.

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

The FOIA Officer, under the direction of DOE's Chief FOIA Officer, continues to brief senior leaders regarding FOIA matters and what is required of the Department regarding FOIA. Every effort is made to provide training and information to its non-FOIA professionals in various program offices. FOIA Training focuses on their obligations as employees of the government. Training also covers the presumption of openness, explains the application of the various exemptions, and shares the requirement to conduct adequate and timely document searches. It is also explained how DOE must articulate the harm regarding release of information when we are evaluating its protection under a FOIA exemption.

DOE's field site offices provide an overview of the FOIA process, as well as information about the record holders responsibilities to conduct reasonable searches and of record retention policies. For example, the Strategic Petroleum Reserve (SPR) Office provides a FOIA overview as requests are assigned to staff to ensure they know their responsibilities under the FOIA and to provide an opportunity to answer questions and provide further guidance.

The Bonneville Power Administration (BPA) FOIA office provided targeted training to their Human Resources staff, the organization most often tasked with collecting records for requests. Training is also provided to other organizations whose records are most frequently requested. For example, in FY 2025 training was provided to the Power Generation Asset Management group. The training focused on the requirements of the statute, considerations when collecting voluminous amounts of records, and challenges associated with reviewing highly technical and scientific records for statutory exemptions.

The Hanford Office (formerly Richland Office) continues to offer FOIA training to all Hanford Field Office staff yearly via "Training Tuesday" opportunities and is provided by the FOIA officer for senior management, supervisors, and employees.

The Western Area Power Administration (WAPA) provided FOIA training to non-FOIA staff to provide a clear understanding of the FOIA process and the expectations of providing responsive records.

At the Office of Science, Consolidated Service Center, Chicago (SC-CSC CH) the FOIA Officer and FOIA Counsel worked with Management and Operating (M&O) contractor staff at several national laboratories to provide training on conducting and detailing searches for agency records responsive to FOIA requests. Additionally, the Chicago FOIA Officer holds virtual discussions with national laboratory record custodians and

legal staff relative to their maintenance of, and ability to make available, Federal Government records for FOIA requests stressing the importance of meeting the 20-day deadline.

The National Nuclear Security Administration (NNSA) incorporated three FOIA trainings from the Department of Justice (DOJ) into the Learning Nucleus. These training courses address a multitude of FOIA topics and are available to all. NNSA continued to provide education to non-FOIA professionals on their FOIA responsibilities via the Learning Nucleus and via email, training, and meetings. NNSA also continued to conduct bi-monthly meetings for NNSA FOIA staff and interested parties to ask questions and seek assistance on FOIA issues. These meetings/trainings have been hugely successful, and they provide non-FOIA professionals an opportunity to learn about NNSA's FOIA process and gain a personal understanding of how FOIA works in the agency. The FOIA Officer also provides weekly FOIA updates to senior management and personally meets with senior staff that require assistance understanding the FOIA program or their respective responsibilities under the FOIA.

B. Outreach

- 7. 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.**

Yes. DOE FOIA professionals routinely contact requesters to discuss their requests to clarify or modify the request. These communications with requesters enable us to determine what specifically a requester is seeking and assists in narrowing the scope and time frame of requests in an effort to respond in a timelier manner. For example, when searches for requests result in voluminous potentially responsive records, requesters are contacted to further narrow the scope or determine what is a priority for a requester in terms of responsive documents. In some cases, it involves the use of specific key word searches, or specific terms related to the topic in order to refine results and filter out irrelevant information which sometimes help to reduce the amount of voluminous search results. At the BPA, after receiving a broad, request for records about a planned transmission line upgrade that involved field offices in three states, the FOIA Public Liaison worked with the requester and agency subject matter experts, general counsel, and FOIA staff to further refine the scope of requested data.

- 8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? Please describe any such outreach or dialogue and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.**

DOE FOIA professionals commonly reach out to requesters to discuss topics and issues concerning their FOIA requests and to direct them to Agency webpages devoted to posting current information on various programs, topics, or issues. To promote open dialogue, various organizations within DOE use social media to provide the public with access to current information and updates. These forums continue to provide a valuable opportunity for DOE to share information and answer questions on issues of interest to the public, media, and other stakeholders and explain the purpose and scope of the FOIA statute and how DOE administers the FOIA program. For example, the NNSA has an 800 number dedicated to assist requesters with any inquiries or concerns. They strive to respond to requesters within 48 hours of receipt of an inquiry.

- 9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2025 (please provide a total number or an estimate of the number for the agency overall).**

The FOIA Public Liaisons have been contacted approximately 149 times this past year.

C. Other Initiatives

- 10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.**

Yes. The Department regularly evaluates the resources needed to respond to current and anticipated FOIA demands. This past year was particularly challenging given the substantial reduction in federal employees as a result of the Deferred Resignation Program, and the continued increase in FOIA requests. In early May, overall responsibility for the FOIA program was transferred from the Office of Management to the Office of the General Counsel. As part of this undertaking, a review of DOE's standard operating procedures is underway in an effort to streamline processes and eliminate redundancies wherever possible.

The NNSA implemented a new case processing plan. Every analyst is assigned a specific program and/or site office for request processing. The goal is for the NNSA POCs and the respective analysts to build a rapport which will facilitate and expedite case closures. Incoming FOIAs are assessed daily by the FOIA Officer and staff to ensure that requests are being assigned and processed correctly. In FY25, NNSA FOIA continued creating FOIA response forms to expedite responses.

The Chicago Office has assumed responsibility for all of the requests formerly handled by the Oak Ridge Office, and is now processing twice as many requests with the same number of FTEs.

The Hanford Office is now utilizing contractor support to meet current and anticipated FOIA requirements.

- 11. How does your agency 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.**

The Department continues to use its electronic tracking system FOIAXpress and other methods to determine disbursement of workload and to track where cases are in the process. At HQ for example, weekly metrics are used to track the progress of FOIA processing, ensure efficiency, identify bottlenecks, and maintain accountability and adjust resources. BPA uses a FOIA tracking log in SharePoint and continues to meet weekly to review the processing data for open cases to identify processing time, identify roadblocks, and adjust resources to speed up processing times. At NNSA, weekly reports are sent to the FOIA Officer and senior management to assess progress. Contractor analysts are required to run individual case reports and meet with the FOIA consultant monthly for guidance on processing cases. These stats are used by the FOIA Officer to create and update backlog closure plans. Hanford uses its FOIA tracking system reports along with internal Excel reports to monitor case status and manage the distribution of FOIA workloads. These tools are used to track each request throughout the process, as well as to log incoming and outgoing requests for efficient oversight.

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

Meetings are held periodically with the Chief FOIA Officer, FOIA Officer, and GC to discuss FOIA matters, issues, and ways to resolve them. Regular meetings are held with FOIA analysts to discuss open requests, determine current status, and necessary next steps for closures. FOIA staff also meet with program offices to ensure effective and timely searches are being conducted. Training is provided when necessary to facilitate more challenging requests. During these trainings, we respond to questions about processing, providing records, and protecting information under various exemptions of the FOIA.

Section III: Proactive Disclosures

DOJ's 2022 [FOIA Guidelines](#) emphasize that “proactive disclosure of information is ... fundamental to the faithful application of the FOIA.” The Guidelines direct agencies to post “records online quickly and systematically in advance of any public request” and reiterate that agencies should post records “in the most useful, searchable, and open formats possible.”

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

FOIA personnel review logs of FOIA requests to determine topics and documents of interest and work closely with subject matter experts and record holders to identify material of interest to the public that would be beneficial to post proactively. At the Office of Science – Consolidated Service Center, which includes the Chicago and Oak Ridge Office, personnel are in place who routinely track and post updates. For potential new material identified as of interest to the public, FOIA personnel and subject matter

experts identify any new records ripe for proactive posting and advise owners of the webpages on where the records should be posted. In conjunction with its efforts to improve the FOIA Library, NNSA FOIA Office is also assessing its (a)(2) posting responsibilities and working on a SOP to facilitate these disclosures.

2. Does your agency post logs of its FOIA requests?

- **If so, what information is contained in the logs?**
- **Are they posted in CSV format? If not, what format are they posted in?**
- **Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links.**

Some DOE sites post FOIA logs in PDF. The information varies from site to site. For example, the Hanford Field Office FOIA logs can be found at: [Freedom of Information and Privacy Act - Hanford Site](#). The Southwestern Power Administration (SWPA) FOIA logs can be found at: [FOIA Reading Room | Department of Energy](#).

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

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

- SPR posted Oil Exchange documents at: <https://www.spr.doe.gov/FOIA/Exchanges.htm> and posted Oil Purchase documents at: <https://www.spr.doe.gov/FOIA/Purchase.htm>.
- OSTI's mission is in the oversight management of the Department's STI collection. The legacy collection can be found at www.osti.gov.
- The Hanford Office has posted the Administrative Record/Public Information Repository which contains the collection of documents and information that are considered or relied upon to arrive at a final decision for remedial action or hazardous waste management are posted at: <https://pdw.hanford.gov>.
- The SC CSC (which includes the Chicago and the Oak Ridge FOIA offices) continued to post SC Management and Operating contracts as modified, SC major contract awards, purchase card holder lists, organizational charts, and the SC management procedures at: <https://science.osti.gov/csc/foia/electronic-reading-room/>. Additionally, the SC CSC proactively posted National Environmental Policy Act documents including environmental assessments and impact statements and categorical exclusion determinations at: <https://science.osti.gov/ssp/NEPA-Documents>, National Laboratory report cards with performance ratings at: <https://science.osti.gov/lp/laboratory-appraisal-process/FY-2021>.

- BPA continued to post records requested under the FOIA on its public FOIA requests library at: [FOIA Requests Library – Bonneville Power Administration \(bpa.gov\)](https://www.bpa.gov/foia-requests-library).

- NNSA proactively posted the following:

Updated Organization Chart at:

<https://www.energy.gov/nnsa/articles/nnsa-organization-chart-org-chart>

Fee Determination Letters and Performance Evaluation Reports at:

<https://www.energy.gov/nnsa/fee-determination-letters-and-performance-evaluation-reports-5>.

- At the Environmental Management Consolidated Business Center (EMCBC) copies of new contracts can be found at: <https://www.emcbc.doe.gov/PrimeContracts>.

4. Please provide a link (or component links, if applicable) where your agency routinely posts its frequently requested records.

The link to frequently requested documents at some of our sites:

Headquarters: [Frequently Requested Documents | Department of Energy](#)

NNSA: <https://www.energy.gov/nnsa/nnsa-frequently-requested-documents>

SPR: https://www.spr.doe.gov/FOIA/Public_Reading_room.html

BPA: <https://www.bpa.gov/about/who-we-are/freedom-of-information-act/frequently-requested-information>

OSTI: <https://www.osti.gov/opennet/>

5. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency’s website? If yes, please provide examples of such improvements, such as steps taken to post information in open and machine-readable formats. If your agency is not taking steps to make posted information more useful, please explain why.

Yes. DOE continues to engage the public for comments and suggestions through the following:

DOE Feedback/Contact: DOE provides email links for general inquiries at

<http://energy.gov/contact-us>. It also has a feedback mechanism wherein the public can select a topic and provide a specific message to access expert assistance. This feature provides the option to request or decline a reply.

Open Data Feedback: DOE provides an email link on <http://energy.gov/data/open-energy-data> for Open Data general questions.

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

At the SC CSC Chicago, material is now accessible from the overall Office of Science website and from field locations as well. The information is organized in logical bullets to make information more easily accessible and user-friendly.

The EMCBC has revamped its public facing websites and quarterly checks the links to make sure they are active. Links to the different departments, the FOIA/PA page, and the public reading room are all active and are easy to use (readable PDFs, submitting a FOIA request, etc).

At Hanford, in addition to posting new material, they share updates and resources through social media channels, external webpages, newsletters, and press releases to increase accessibility and awareness. Wherever possible, information is made available in open and machine-readable formats to facilitate easier searching, downloading, and analysis. They actively seek feedback from users to identify additional improvements and ensure that posted content remains relevant and user-friendly.

In FY24, the NNSA Section 508 Compliance Team conducted a comprehensive review of their site and provided guidance on how to make the site 508 compliant. They also provided insight on how to assist points-of-contact with drafting documents in a 508 compliant manner. In FY25, NNSA started implementing these suggestions in an attempt to increase compliance. This is an ongoing process as they update and modify their FOIA library.

6. 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 offices continued to collaborate with various offices including record holders and IT personnel regarding information of interest to the public based on the requests received and best ways to publish information. The number of visitors accessing websites and content is utilized to assist with determining information of interest to the public and that should be considered for further proactive disclosure.

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

N/A

Section IV: Steps Taken to Make Better Use of Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. DOJ's 2022 [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](#) interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

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

Yes.

- 2. Please briefly describe any new types of technology your agency uses to support your FOIA program.**

DOE continues to leverage technology to administer utilizing e-discovery software. HQ continues to utilize technology to convert voluminous .pst files to PDFs that also keep the attachments in order with the parent e-mails. This has assisted in eliminating numerous man hours converting these files to PDFs individually. In addition, HQ and various sites use their Information Technology team to conduct email and discovery searches. Other technology being leveraged at various sites is the use of Google-drive to access videos, K2 Workflows, password protected SharePoint sites to access records requested from national labs who may not utilize an encryption tool, and Audacity, an audio-processing software to process audio files. Adobe Acrobat Pro and the word search tool to redact records are also leveraged. DOE continues to seek out technology to improve FOIA processing and we are exploring opportunities to leverage artificial intelligence to support tasks such as document review, data extraction, and workload management. These efforts are part of our commitment to modernizing FOIA operations and ensuring that we are well-prepared to meet evolving requirements.

- 3. Does your agency currently use any technology to automate request intake, customer service, or record processing? For example, does your agency use artificial intelligence or other 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.**

As mentioned earlier, DOE HQ uses technology to assist with converting multiple .pst files to PDF at one time instead of individually. The tool has proven to be quite resourceful and has many features that we are still learning to use to continue to automate what was once done manually. It has reduced the manual hours spent converting mass emails to PDF. Certain DOE sites also use Adobe Acrobat Pro to review and redact documents.

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

Yes, the FOIA websites are reviewed regularly to address elements noted in the guidance.

5. Did all four of your agency's quarterly reports for Fiscal Year 2025 appear on FOIA.gov?

Yes.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2026.

N/A

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2024 Annual FOIA Report and, if available, for your agency's Fiscal Year 2025 Annual FOIA Report.

DOE's raw statistical data used to complete the 2024 Annual FOIA Report can be found at the following link: <https://www.energy.gov/management/foia-annual-reports>.

8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Yes.

9. Optional -- Please describe your agency best practices in better utilizing technology and any challenges your agency faces in this area.

N/A

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

DOJ's 2022 [FOIA Guidelines](#) instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access for any categories of first-party requested records, outside of the typical FOIA or Privacy Act process?

No.

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

The Department is determining how to establish alternative means of access to first-party requested records. Currently any such requests are processed under both the FOIA and the Privacy Act. However, at some sites individuals asking for information about

themselves can go to the Human Resources Service Center to get the information.

- 3. Please describe any other steps your agency has taken to remove barriers to accessing government information.**

N/A

B. Timeliness

- 4. For Fiscal Year 2025, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2025 Annual FOIA Report.**

The average number of days to adjudicate requests for expedited processing was 19.47 calendar days.

- 5. If your agency's average number of days to adjudicate requests for expedited processing was more than ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2025 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

The Department will continue to provide training regarding the timeline to respond to requests for expedited processing.

- 6. Does your agency utilize a separate track for simple requests?**

Yes.

- 7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2025?**

No.

- 8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?**

No.

- 9. Please provide the percentage of requests processed by your agency in Fiscal Year 2025 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.**

Approximately 70% of the FOIA requests processed by DOE in Fiscal Year 2025 were processed as simple requests.

- 10. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?**

N/A

C. Backlogs

Backlogged Requests

11. **If your agency had a backlog of requests at the close of Fiscal Year 2025, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2024?**

No.

12. **If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2025 than it did during Fiscal Year 2024?**

Yes.

13. **If your agency's request backlog increased during Fiscal Year 2025, 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)**
- **Litigation**
- **Any other reasons – please briefly describe or provide examples when possible**

The Department did not decrease its backlog this fiscal year. This is due largely to turnover in staff and an overall increase of incoming requests, a large portion of which ask for any-and-all type communications such as all e-mail communications for multiple individuals spanning multiple years. An increase in AI generated requests make it possible for one requester to submit over 150 requests or more within a matter of minutes.

14. **If you had a request backlog, please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2025. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."**

DOE received 4,853 requests in FY 2025. Our backlog at the end of FY 2025 was 2,277. Thus, the backlog at the end of FY 2025 was 46.9% of the total requests received.

Backlogged Appeals

15. **If your agency had a backlog of appeals at the close of Fiscal Year 2025, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2024?**

Yes, at the end of FY 2024, there were 10 backlogged appeals. At the end of FY 2025, there were 6 backlogged appeals.

16. **If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2025 than it did during Fiscal Year 2024?**

N/A

17. **If your agency's appeal backlog increased during Fiscal Year 2025, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:**

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

N/A

18. **If you had an appeal backlog, please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2025. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2025 and/or has no appeal backlog, please answer with "N/A."**

DOE received 66 appeals in FY 2025. The appeal backlog at the end of FY 2025 was 6. The appeal backlog at the end of FY 2025 was 9% of the total appeals received.

D. Backlog Reduction Plans

19. **In the 2025 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2024 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2025?**

The Office of General Counsel took over responsibility for the FOIA program from the Office of Management in May. At that time, there was no specific plan in place. We now have several initiatives underway that are intended to reduce the backlog. For example, we have revised and streamlined our FOIA standard operating procedures and contractor required documents to eliminate redundancies in our review process and increase consistency and standardization by moving to fillable forms and templates. In addition, we reached out to requesters via e-mail and by publishing a federal register notice in order to determine if requesters were still interested in having the agency process their pre-October 1, 2024, FOIA requests. As a result of this effort, we were able to close many older requests and/or in instances where the requester indicated they no longer had interest in processing their request.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2025, please explain your agency's plan to reduce this backlog during Fiscal Year 2026.

The Department's plan is to re-evaluate staffing again to determine if we have a sufficient number of staff to process the requests currently received and continue to receive. We will continue to review our process to find ways to improve processing times. We also plan to continue reviewing technical resources that may assist in improving our processing of FOIA requests. For instance, we are actively working with the Office of the Chief Information Officer to understand the present capabilities of agentic, generative and/or predictive artificial intelligence and how we can utilize it to make FOIA processes more efficient.

E. Reducing the Age of Requests, Appeals, and Consultations

Ten Oldest Requests

21. In Fiscal Year 2025, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2024 Annual FOIA Report?

Yes.

22. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2025 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

N/A

23. Beyond working on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

At the Department, the FOIA professionals continued to review cases and determine next steps, issues, and strategies to process cases more efficiently to closure. In some cases, this required additional communication with requesters to narrow the scope and timeframe of requests, as well as minimize the number of keywords provided without context as they quite often produce voluminous numbers of un-responsive documents.

Ten Oldest Appeals

- 24. In Fiscal Year 2025, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2024 Annual FOIA Report?**

No.

- 25. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2024 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

DOE completed six of its ten oldest appeals cases reported in the FY 2024 Annual Report.

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

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

Ten Oldest Consultations

- 27. In Fiscal Year 2025, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2024 Annual FOIA Report?**

No.

- 28. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2024 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

In FY 2025, DOE closed five of the ten oldest pending consultations cases reported in the FY 2024 Annual Report.

Additional Information Regarding Ten Oldest

- 29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2026.**

The Department plans to close its pending appeals and consultations as expeditiously as possible. Several of these cases involve classified records, which may require review by multiple agencies and will require follow-up by our FOIA and Classification Officer to each agency involved in the review process.

F. Additional Information about FOIA Processing

30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency'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**
- **Any other information to illustrate the impact of litigation on your overall FOIA administration**

Yes. The Department processed multiple FOIA litigation cases this fiscal year. Several of the cases involved thousands of pages and are still ongoing. The resources required to meet court ordered production deadlines and page counts has been a challenge as it consumes resources that would have otherwise been used to process other cases in a timely manner.