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Department of Energy

2019 Chief FOIA Officer Reports

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Section 1: Steps Taken to Apply the Presumption of Openness

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

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

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. 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.

> *Ms. Ingrid Kolb, Director, Office of Management.*

B. FOIA Training

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

> *Yes, FOIA professionals and other personnel who have FOIA responsibilities attended FOIA training during this reporting period.*

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

> *External training for DOE FOIA professionals included the DOJ's FOIA for Attorneys and Access Professionals and Introduction to the FOIA, Introduction to the Freedom of Information Act, online DOJ training for Achieving Transparency through Proactive*

Disclosures, and training conducted by the American Society of Access Professionals. Internally, the FOIA Office conducted periodic training via teleconference for the field and Headquarters (HQ) offices. Examples of the above training include:

- *workshops on individual FOIA exemptions;*

- *overview of the FOIA;*

- *fees and fee waivers, and*

- *searching for records and other related matters.*

5. 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 period.

6. 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.

While 80% of FOIA professionals attended some form or substantive FOIA training, the DOE plans to continue to conduct cost effective training via conference calls and to attend the free training provided by the DOJ.

C. Outreach

7. 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.

The DOE continues to encourage open communication with the requestor community. FOIA professionals continue to reach out to requesters to discuss a broad spectrum of topics and issues concerning FOIA requests. Generally, communication consists of providing insight into the FOIA process, narrowing the scope of requests to reduce processing fees and time, the prioritizing of documents requested, and other issues that facilitate efficient processing. The Department also worked with the Office of Government Information Services (OGIS) to facilitate dialogue with various requesters. These types of dialogue have helped the Department, in some cases, streamline certain

FOIA requests and allow responsive documents to be identified more quickly thus allowing the process to be more efficient.

In addition, the Carlsbad Field Office (CBFO) continues to conduct periodic town hall meetings with members of the public, including webcasts of the meetings. These forums provided an opportunity for questions from the public including media and stakeholders. The CBFO also developed and maintains a webpage devoted to providing current information regarding the February 2014 events at the Waste Isolation Pilot Plant (WIPP) and the recovery from the events. Significant documents continue to be posted to the site proactively, outside of FOIA.

The NNSA has an 800 number designed to assist the requester community with inquiries or concerns. Their goal is to respond to those inquiries within 48 hours of receipt.

D. Other Initiatives

8. Describe any efforts your agency 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 agency has considered including FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA.

The Department continues to make every effort to inform non-FOIA professionals on their obligations under the FOIA. FOIA professionals are informed through the use of display posters regarding FOIA responsibilities, discussions at senior staff meetings. The HQ FOIA Officer and staff continue to address questions by the records holders, which vary from case to case, and advises them of their responsibilities and the importance of adequate and timely searches. Additionally, the HQ FOIA Officer and staff continues to conduct FOIA training sessions with various HQ program offices, including senior leadership staff. The sessions covered FOIA overview, efficient and timely searches and other specific training based on the offices' needs.

In addition to efforts at HQ, DOE sites work to inform the obligations under the FOIA. A few examples include:

- *At the NNSA non-FOIA professionals have been educated on their requirements via email, conference call, training and meeting. NNSA is also working to implement the publicized standards and is currently researching the best options for achieving this goal.*

- *At the Bonneville Power Administration (BPA) the FOIA Officer and attorneys from the GC continue to provide briefings on an as-needed basis to senior executives, managers, and subject matter experts on specific FOIA requests to provide a better understanding of the FOIA process and agency obligations.*

- *The Strategic Petroleum Reserve (SPR) FOIA Officer continues to conduct training on a case by case basis. A FOIA overview is provided as well as information about responsibilities to conduct reasonable searches and other processes to follow.*

- *The Environmental Management Consolidated Business Center (EMCBC) provides briefings to new employees regardless of prior federal employment, on the FOIA and their responsibilities under the FOIA. Performance standards have been included in employee work plans for those employees that are responsible for processing FOIA requests.*

- *The Richland Office continued to make their internal FOIA procedure available to all employees. FOIA related standards are also placed in employee work and performance plans for those administering the FOIA.*

- *The Western Area Power Administration (WAPA) sends emails and communicates with staff about FOIA responsibilities during meetings.*

- *The Chicago FOIA Officer continues to conduct one on one sessions with specific FOIA contacts to remind them of FOIA processing requirements and their respective duties. The FOIA Officer also continues to maintain the FOIA procedures section of the Office of Science centralized procedures database, where employees can view their FOIA related responsibilities.*

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

At the DOE, FOIA professionals continue to communicate with record holders and SMEs regarding sensitivities contained in responsive documents and the possibilities of discretionary releases. Legal counsel continues to review, and must concur on, all withholdings using a FOIA exemption. If a record holder has identified information that should be protected from release by an exemption, the FOIA Office and GC review the documents to determine if the threshold of the identified exemption is met and whether there is a justifiable harm if released. If the Department cannot identify a justifiable harm in release, the record holders are advised that release is warranted.

The Department also continues to include language in our response letters that reference the Department of Justice FOIA Guidelines, our commitment to openness and providing as much information when full disclosure is not possible, and the OGIS assistance available to requestors concerning requests and their concerns with agencies.

The Chicago Office continues to routinely issue guidance and have meetings and calls for Chicago Office and Office of Science Site Office personnel on FOIA's presumptive disclosure mindset, stressing vigilance in identification of opportunities to proactively disclose non-exempt information of public interest. In addition, Chicago continues to issue guidance and conduct meetings and calls with federal and contractor employees to stress the importance of flowing requests for information through to the FOIA office expediently, the importance of comprehensive searches for information, and the importance of transparency and proactively disclosing information of public interest through all technical means available.

In addition, Chicago continued its procedure of conducting a final discretionary release and foreseeable harm review prior to request response, and that procedure continues to exist in the FOIA procedures for Chicago and Oak Ridge (the Office of Science Integrated Support Center) to ensure the foreseeable harm standard and discretionary release opportunities are considered prior to request response.

Finally, Chicago continues to routinely direct members of the public to the location of publicly available information without the need for a FOIA request if a FOIA request hadn't already been submitted to ensure that the public would be afforded expediency in receiving the information.

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

1. For Fiscal Year 2018, 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 2018 Annual FOIA Report.

The Department's average number of days to adjudicate requests for expedited processing was 9.98 days.

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

N/A

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

The DOE continues to look for ways to improve the FOIA process. For example, the FOIA Office continued to analyze how records are searched, determining the words and phrases that identify and collect the most accurate responsive pool of records. This review of the records search process lead to efficiency in the process and improved the timeliness of responses. Emphasis was also placed on providing responses to requests for expedited processing to ensure we were timely in meeting the 10 calendar day requirement.

The Richland Office conducts reviews on a quarterly basis using statistical report data that consist of number of requests received, processed, average number of days to process requests and number of pages provided in response.

The Strategic Petroleum Reserve (SPR) reviewed their FOIA program and documented procedures for processing requests to ensure there is a standardized approach in their office. This is also helpful for employees with back-up FOIA duties to have instructions for how to proceed with processing requests.

At Bonneville, the FOIA Office provides daily reports on the program to the Chief Compliance Officer and the Office of General Counsel. The reports include metrics of total active FOIA requests, processing times, and statuses of internal/external reviews.

The EMCBC periodically reviews and refines its FOIA/PA processing checklist when required. In addition, they periodically held FOIA/PA meetings with processors and attorneys involved in FOIA/PA to discuss changes and/or incorporate ideas to process requests more efficiently. EMCBC also conducted an audit of some requests and took corrective action based on the audit results.

The NNSA assessed their process by engaging in weekly meetings to discuss better methods, developing new flow charts and checklists for FOIA guidance, and by hiring a FOIA consultant to analyze and assess their process.

The Office of Scientific and Technical Information's (OSTI) internal review of their FOIA program determined that their processes and SOPs ensure the timely delivery of responsive documents to the FOIA requester within the 20-day requirement. However, it also determined that timely responses are affected for documents which are classified and unclassified sensitive and require external consultation/coordination.

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 how often requesters sought assistance from your agency's FOIA Public Liaison during FY 2018 (please provide a total number or an estimate of the number).

The FOIA Public Liaisons have been contacted approximately 32 times this past year.

5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.

Meetings continue to be held between the Chief FOIA Officer, FOIA Officer, staff, and the Office of General Counsel to discuss FOIA matters. Additionally, the FOIA Office continues to meet on a monthly basis with the Office of General Counsel to resolve pending issues and address improving the efficiency of the process. The FOIA Office at Headquarters has recently been testing software to convert mail boxes into pdf's. This software allows for numerous emails to be converted into pdf files in a very short time. This will help to minimize the time spent doing this manually.

At WAPA the IT department and FOIA Officer have controls in place for any FOIA website issues. The FOIA Officer also maintains the entries in the FOIA database as well as e-files, reports, etc. The Oak Ridge Office has regular FOIA group meetings for the FOIA staff and supervisor of the FOIA group.

The Richland Office requires staff responsible for conducting searches for responsive documents, to provide written certification that a thorough search has been conducted and all responsive documents have been provided to the FOIA Officer. This method is used to improve search processes and to verify that searches were performed accurately and thoroughly in response to FOIA requests.

The Chicago Office is a smaller FOIA Office with one FOIA Officer, one FOIA analyst, and one FOIA counsel. Because the limited number of FOIA personnel creates

challenges during leave periods, the Chicago Office now utilizes a notification and FOIA status log process where the FOIA Officer who is on leave notifies the other FOIA personnel of their absence, institutes the Acting FOIA Officer role, and provides the Acting FOIA Officer with a status log to inform them of all then-current FOIA activity. The FOIA status log is a detailed listing of all activity, including files recently closed, files currently open, and open inquiries and jurisdiction checks. It includes details about the request (requester name and category and request description), the status of the request, the location of the electronic request folder in the Chicago Office shared drive, recent activity, and due dates. Providing this detail in one form enables the Acting FOIA Officer to seamlessly continue with the activity and to be informed on the detail of recent case closures in the event the requester contacts the Chicago Office about a request response.

OSTI receives and processes a low volume of FOIA requests, and most requests are for the Department's scientific and technical information (STI). OSTI is the archival repository for the Department's STI collection. As a result of this archival function, OSTI has always been a records- and content-management organization. The content management of information has dictated technological applications and tools to facilitate the retrieval, identification, and preservation of the reports dating from the Manhattan Project to the present. In addition, many of the Department's STI reports are accessible via a variety of OSTI's Web-based products at www.osti.gov. In addition, OSTI leverages internal search-technology specialists to assist a requestor in identifying documents which are responsive to the requestor's request and available in our publicly available collection.

For each request at the SPR, there is a SharePoint library on our internal FOIA SharePoint site. Any supporting documentation, as well as emails related to FOIA, are posted within this site. This makes it possible for anyone in our office to access the organized information if the FOIA Officer is out or if someone has a question about a previous response. Since there is limited access to the FOIA database, this allows anyone in the SPR access to a log of FOIA requests, supporting documentation, and the responses that were given.

The BPA has implemented two new applications to assist in search, collection, subject matter expert certification and review of requests. The EMCBC continue to request status updates from offices responsible for searching for records and also requested updates from attorneys responsible for reviewing records.

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

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

> *The following items are examples of material proactively disclosed by the DOE during the past reporting year:*
>
> - *The Oak Ridge Office posted major contracts that have been awarded at https://science.energy.gov/isc/services/acquisition-and-assistance/major-contracts-awarded/, and documents of interest to potential offerors for open solicitations at (FBO.gov).*
>
> - *The BPA posted two sets of material during the past reporting year: 1) regularly requested software; and 2) U.S. Army Corps of Engineer spill data related to BPA's power operation. This information is located on its frequently requested information page.*
>
> - *The EMCBC posted the following information:*
>
>   - *EMCBC Contracting – Low Level/Mixed Low Level Waste Disposal ID/IQ Contracts – Waste Control Specialists LLC Contract 89303318DEM000004 https://www.emcbc.doe.gov/Content/Office/89303318DEM000004.pdf*
>
>   - *Portsmouth/Paducah Project Office (PPPO) – 2017 Paducah Annual Site Environment Report https://www.energy.gov/sites/prod/files/2018/10/f56/2017-Paducah_ASER.pdf*
>
>   - *PPPO – Paducah 2018 Site Management Plan, April 2018 https://www.energy.gov/sites/prod/files/2018/07/f53/20180416%20D2%20FY%202018%20SMP%20REG.pdf*
>
>   - *West Valley Demonstration Project (WVDP) – State Pollutant Discharge Elimination System (SPDES) Discharge Monitoring Reports (DMR) – October 1 through October 31, 2018 http://www.chbwv.com/Public_Reading_Room/WD20181152DOE.pdf*
>
>   - *WVDP – Categorical Exclusions – WVDP-2018-02, "NRC-Licensed Disposal Area (NDA) Toe Armoring, Liquid Pretreatment System Building (LPS) Removal, and Installation of a Geomembrane Cap on the LPS Footprint" https://www.wv.doe.gov/Document_Index/Checklist/379306.pdf*

- *The Waste Isolation Pilot Plant (WIPP) continues to maintain a home page available to the public (http://www.wipp.energy.gov) where information on the FOIA, Privacy Act, as well as other information and documents, can be accessed. Other specific outreach efforts include the following:*

  - *The CBFO/WIPP continues to maintain a webpage devoted to providing current information regarding the February 2014 events at WIPP and the recovery/restart from the events. Significant documents continue to be posted to the site proactively, outside of the FOIA. http://wipp.energy.gov/recoveryrestart.asp*

  - *The CBFO continues to maintain and update a public webpage that provides access to Resource Conservation and Recovery Act (RCRA) permit-related documents after they are filed. http://www.wipp.energy.gov/library/Information_Repository.htm*

  - *The CBFO also continues to maintain a public webpage titles, "Hazardous Waste Facility Permit Community Relations Plan" providing the public with background information specific to the Hazardous Waste Facility Permit, updated information related to permit actions, and opportunities to participate in the permit process as a general member of the public. http://www.wipp.energy.gov/Community-Relations-plan.asp*

- *The Richland Office posted the following documents:*

  The Prime Contracts web pages on Hanford.gov are updated almost daily. https://www.hanford.gov/page.cfm/PrimeContracts

  FOIA web pages are updated weekly or as additional information is received. https://www.hanford.gov/page.cfm/FOIA

  Updates on the Plutonium Finishing Plant. https://www.hanford.gov/page.cfm/Updates_on_Plutonium_Finishing_Plant

  Plutonium Uranium Extraction Plant (PUREX) information. https://www.hanford.gov/page.cfm/PUREXTunnelsInformation

  Hanford Advisory Board - https://www.hanford.gov/page.cfm/hab

  Hanford Meteorological Station - https://www.hanford.gov/page.cfm/HMS

  Tri-Party Agreement - https://www.hanford.gov/page.cfm/TriParty

- *At the Western Area Power Administration (WAPA), the following documents continue to be made available to the public at:* https://www.wapa.gov/About/the-source/Pages/the-source.aspx

- *The NNSA has proactively disclosed performance evaluation reports at:* https://nnsa.energy.gov/aboutus/ouroperations/apm/perfevals/nscperfevals.

- *OSTI's mission is in the oversight management of the Department's STI collection. The legacy collection can be found at* www.osti.gov. *This Web site enables the general public, other government agencies, DOE, and other entities to have a one-stop service for our gray literature, journal articles, conference proceedings, technical reports, multimedia, books, etc.*

  Examples of publicly available full-text scientific and technical reports for downloading from OSTI's SciTech Connect Web site are as follows:

  - http://www.osti.gov/scitech/biblio/5630882-screening-identification-sites-proposed-monitored-retrievable-storage-facility

  - http://www.osti.gov/scitech/biblio/4074500-status-small-pipe-tube-disconnects-msre-auxiliary-lines-interim-report

  - http://www.osti.gov/scitech/biblio/4010217-operation-egcr-purification-system-prototype

- *The Office of Science – Integrated Support Center (which includes the Chicago Office and the Oak Ridge FOIA Office) continues to post the following: the updated ISC government purchase cardholder list can be viewed at* https://science.energy.gov/isc/foia/electronic-reading-room/.

  Additionally, links lead the public to the updated and most current versions of the following documents:

  - *SC Categorical Exclusion Determinations*

  - *SC procedures on its SCMS site*

  - *SC Acquisition and Assistance Major Contract awards and revisions*

  - *SC Management and Operating Contracts as modified*

  - *Laboratory Appraisal Process, as revised*

- *National laboratory report cards with performance ratings*

- *SC procedures on its SCMS site*

- *Updated SC Integrated Support Center Organizational Charts*

In addition, the DOE continues to monitor and update these major data sets on its Open Government Page:

*(1) **Deepwater Horizon Response Datasets:** Due to the high level of interest in the oil spill in the Gulf of Mexico, Data.gov features data from the DOE, the Environmental Protection Agency (EPA), the National Oceanic and Atmospheric Administration (NOAA), the Department of the Interior (DOI), and the states of Florida and Louisiana related to the spill, its effects, and the cleanup effort. Data includes oil and gas flow and recovery measurements, air and water sample data, oil spill-related exposure information, and other data of interest to scientists, recovery workers, and citizens;*

*(2) **DOE Patents Database:** DOEs central collection of patent information contains bibliographic data for a database of patents resulting from sponsored research by the DOE and predecessor agencies. This data service allows the downloading of bibliographic records in a format that can be used to load the records into other databases or search tools. A request for data returns the first 100 records. See Technical Documentation for instructions on obtaining additional records; and*

*(3) **Geothermal Technologies Database:** Contains geothermal technical and programmatic reports dating from the 1970's to present day. These "legacy" reports are among the most valuable sources of DOE-sponsored information in the field of geothermal energy technology. This data service allows the downloading of bibliographic records in formats that can be used to load the records into other databases or search tools. A request for data returns the first 25 records. See Technical Documentation for instructions on obtaining additional records.*

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

The Department reviews its FOIA logs on a monthly basis to aid in determining when information has been requested three or more times. Logs are compared to previous month's logs to also determine multiple requests for information. Subject searches are also conducted of the FOIA database to assist in determining these requests.

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

Yes, at the DOE, several initiatives are in progress or have been implemented to provide feedback mechanisms and two-way communications to disseminate and receive information on DOE data, analyses, and products through the DOE website at http://www.energy.gov/.

While the www.handford.gov site at the Richland Office has provided unprecedented access to the public for many years, improvements to access were a major part of a 2015 redesign of the website. Specific areas on the website have been set up for different audiences who regularly request information or who require access to specific information on a regular basis. In addition, meeting notices and calendar items include links to related documents for public meetings, events of high interest get their own specific webpage, and high interest items are also advertised on a rotating banner on the main landing page of the website. The idea has been to give many entry points to information the public requests the most or where they have the most natural input (such as a public meeting).

The OSTI continues to perform extensive, routine curation processes on incoming and legacy metadata, including the normalization of contract numbers, addition of author affiliation information, review and correction of publication dates, and enhancement with subject categories and abstracts. Accurate and complete metadata makes associated research documents more accessible.

The EMCBC updated their FOIA request form to be more user friendly and periodically update the website to provide more helpful information.

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

Some continued examples of DOE's Open Data two-way public engagement specifics are below:

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.

Energy Data: The Open Data page at http://energy.gov/data/open-energy-data has a Submit Questions about Energy Data feature which provides an email link to datainnovation@hq.doe.gov for questions specific to DOE's data.

DOE Social Media: DOE also provides a blog at http://energy.gov/news-blog and facebook, twitter, and email at http://energy.gov/data/open-energy-data, and also at http://energy.gov/data/articles/digital-strategy for interactive communications on Open Data, digital strategy, data, etc.

Additional improvements at DOE include:

At WAPA, the Public Affairs Office updates WAPA's website and meets with the public to share information and respond to media requests.

Examples at the Richland Office are:

- *Calendars - https://www.hanford.gov/pageaction.cfm/calendar?IndEventId=9993*

- *Rotating Banners - https://www.hanford.gov/*

- *Updates on the Plutonium Finishing Plant. https://www.hanford.gov/page.cfm/Updates_on_Plutonium_Finishing_Plant*

- *PUREX Tunnels Information. https://www.hanford.gov/page.cfm/PUREXTunnelsInformation*

- *Prime Contracts (Examples)*
    - *https://www.hanford.gov/page.cfm/PrimeContracts*
    - *https://www.hanford.gov/index.cfm?page=1072*
    - *https://www.hanford.gov/index.cfm?page=1074*
    - *https://www.hanford.gov/index.cfm?page=1069*
    - *https://www.hanford.gov/index.cfm?page=1068*
    - *https://www.hanford.gov/index.cfm?page=1062*
    - *https://www.hanford.gov/index.cfm?page=1061*

- *Hanford Site Tours - https://www.hanford.gov/page.cfm/HanfordSiteTours*

- *B Reactor Tours - https://tours.hanford.gov/historicTours/*

- *Pre-Manhattan Historical Sites - https://manhattanprojectbreactor.hanford.gov/*

- *Hanford Advisory Board - https://www.hanford.gov/page.cfm/hab*

- *The Administrative Record (AR) – DOE-RL is nearing the end of a major upgrade project to improve the user experience when searching within the Administrative Records collection. The new Administrative Record presence will consist of an open source document repository and web interface. The public searching for AR records should find the new user interface intuitive for searching, filtering and retrieving documents. The roll out of the new AR is scheduled for early 2019.   In fiscal year 2018, the AR published nearly 3,000 documents which can be viewed from the AR website at: https://pdw.hanford.gov/arpir/.*

The BPA FOIA Office made the following improvements to its public FOIA page: 1) removed old FOIA request submission page, provided link to from on FOIA.gov, and simplified instructions for submitting requests; 2) added succinct descriptions to listed resources to aid visitors and requesters; and 3) reorganized categories of information and provided descriptions of the listed resources for frequently requested information.

The EMCBC's updated request form is found at https://www.emcbc.doe.gov/Content/office/DOE_FOIA_Request_Form.pdf and updated website at: https://www.emcbc.doe.gov/Home/FOIA.

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

One of the best practices is communication with records holders and advising them of the types of FOIA requests the agency is receiving. Also working with webpage owners to determine number of hits to their sites, identifying points of interest from the public, and using that as one of the basis for considering types of information for proactive disclosure.

At the Richland Office, the single greatest challenge continues to be the sheer number of federal documents, environmental documents, historical documents, and requests for information. There are not only multiple types of documents being requested but also multiple audiences with very diverse needs.

The EMCBC utilizes public information notices of contracts that are awarded along with the appropriate link to access the contracts. In addition, EMCBC sites Portsmouth, Paducah, and West Valley have periodic public information meetings that provide up-to-date information regarding ongoing projects.

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 agency 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 agency's efforts in this area.

1. Is your agency 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.

> *The Headquarters FOIA Office utilizes the Chief Information Office to conduct many email searches of our Outlook email system to identify potentially responsive information for FOIA requests. By providing search terms, specific dates, email domains to search against, searches are conducted more uniformly and timely. However, results from these searches can range from small to large volumes of potentially responsive documents depending on number of years, and individual accounts searched. The FOIA office also has recently been testing software that allows the converting of these e-mails in into individual pdfs with any attachments included with the email at one time. It also allows them to be converted into one large pdf. This would provide a more efficient use of time as it eliminates the numerous hours of labor doing this manually.*

> *WAPA has improved its technology to conduct searches for emails using the "Retain" system. It allows an IT specialist to specifically search for information in an account/employee's email and search by date, to/from, and include specific terms in the subject matter and/or in the text. It also includes the attachments, replies, and forwarded emails.*

> *Recent improvements at OSTI include: 1) adding and augmenting data and software; 2) site development based on usability studies and user feedback, 3) ongoing curation of new and legacy metadata; 4) new user account capabilities; and 5) search result enhancements.*

> *Since searches for Chicago Office FOIA requests are conducted not only within the Chicago Office, but at six DOE site offices and six national laboratories, a variety of technology is used for those searches, depending on what entity is managing the records for DOE. National laboratories under Chicago are encouraged to utilize databases to*

conduct their searches prior to pulling boxes of material that may or may not be responsive. National laboratory personnel are provided with specific search parameters to assist in electronic searches that will only retrieve material that is responsive. Key words, date scope, etc. are also provided where possible to reduce search time.

The SWPA utilizes the Commvault software to search for emails and computer records. At the SPR SharePoint is utilized to set up document libraries for collaboration between departments for responses to FOIA requests, when necessary. Employees are asked to upload documents to the site so they can be reviewed. This allows employees to determine what files have already been identified and uploaded to reduce duplication.

The CBFO/WIPP also utilizes its Information Technology team to conduct email searches of Outlook if applicable and necessary for specific FOIA requests. It also utilizes Documentum an (electronic records management system) which includes either the actual records or an index of every records that it has archived. Searches are performed utilizing a variety of search criteria or key terms, in whole or in part.

The BPA is currently using the Discovery Core technology system to automate collections of records from agency email archives, shared drives, and SharePoint sites. The system also provides a secure, methodical process for records custodians to submit materials to a secure drop-box and electronically certify the sufficiency of searches. Collected records are directly exported to a review and redaction module, where FOIA analysts, attorneys, and the FOIA Officer perform their reviews. The system reduces review time, reduces email communications, and securely preserves all collected records.

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 agency reviewed its FOIA website(s) during this reporting period to ensure it addresses the elements noted in the guidance?

Yes the agency has reviewed its FOIA websites. The review identified some areas where changes could be made to make information more easily accessible.

3. Did your agency successfully post all four quarterly reports for FY 2018?

No.

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2019.

A technical error caused an issue with some of the quarterly reports being posted. Once we determined that it did not show up on the FOIA.gov page we looked into the matter and realized the error. It has since been fixed and all reporting has been posted.

5. 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 2017 Annual FOIA Report, and if available, for your agency's Fiscal Year 2018 Annual FOIA Report.

The link to the Department of Energy 2017 Annual FOIA Report is:
https://www.energy.gov/management/downloads/annual-foia-report-fy-2017

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

N/A

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 agency's 2018 Annual FOIA Report and, when applicable, your agency's 2017 Annual FOIA Report.

A. Simple Track

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

1. Does your agency utilize a separate track for simple requests? If your agency uses a multi-track system beyond simple, complex, and expedited to process requests, please describe the tracks you use and how they promote efficiency.

Yes, the agency uses a simple track.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2018?

   No.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2018 that were placed in your simple track.

   Approximately 74% of the FOIA requests processed by the agency in Fiscal Year 2018 were processed in the simple track.

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

   N/A

 B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2017 and Fiscal Year 20188when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

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

   No, the DOE did not achieve a reduction in the backlog this fiscal year.

 6. If not, did your agency process more requests during Fiscal Year 2018 than it did in Fiscal Year 2017?

   No, the DOE did not process more requests in Fiscal Year 2018 than it did in Fiscal Year 2017.

7. If your agency's request backlog increased during Fiscal Year 2018, 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.
- Any other reasons – please briefly describe or provide examples when possible.

   The DOE did not decrease its backlog this fiscal year. This is due in part to the increased volume of requests asking for any and all communications, all e-mail communications for multiple individuals spanning multiple years. The Headquarters FOIA office also experienced an unexpected increase in the turnover of contractor attorneys. However, the FOIA Office has been diligent in hiring new contractor attorneys and training them to meet the challenges in processing and decreasing its backlog.

   The NNSA backlog increased due to complexity of requests. The NNSA also experienced a loss of staff support through retirement and a temporary loss of contractor support. While new employees have been hired, they require ongoing training.

8. 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 2018. If your agency has no request backlog, please answer with "N/A."

   The DOE received 2,073 requests in FY2018. Our backlog at the end of FY2018 was 498. Thus, the backlog at the end of FY2018 was 24% of the total requests received.

BACKLOGGED APPEALS

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

Yes, at the end of FY 2017 there were ten backlogged appeals. At the end of FY2018 there were eight backlogged appeals.

10. If not, did your agency process more appeals during Fiscal Year 2018 than it did during Fiscal Year 2017?

N/A.

11. If your agency's appeal backlog increased during Fiscal Year 2018, 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.
- Any other reasons – please briefly describe or provide examples when possible.

N/A.

12. 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 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

The DOE received 53 appeals in FY 2018. The appeal backlog at the end of FY 2018 was eight. Thus, the appeal backlog at the end of FY 2018 was 15% of the total appeals received.

C. Backlog Reduction Plans

13. In the 2018 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2017 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you 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 2018?

N/A.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2018, what is your agency's plan to reduce this backlog during Fiscal Year 2019?

N/A.

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

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2017 and Fiscal Year 2018 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2018, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

No.

16. 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 2017 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

The agency completed seven of its ten oldest cases from the FY2017 report.

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

The oldest case was withdrawn. While no interim responses were provided, the NNSA FOIA office maintained contact with the requester.

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

At Headquarters, the FOIA team meets to discuss cases and determine next steps, issues, and strategies to process cases more efficiently. In many cases, this requires additional communication with requesters to narrow scope, timeframe, identifying key words when searching for records, and prioritizing records of most interest to a requester.

The NNSA hired a FOIA consultant who met with each analyst to review open cases and discuss strategies for resolving the requests. NNSA also held monthly meetings to discuss cases concerns and priorities and also contacted requesters to determine their interest in their requests.

TEN OLDEST APPEALS

19. In Fiscal Year 2018, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

No.

20. 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 2017 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

In the FY2017 Annual FOIA Report, we reported a total of ten backlogged appeals. Two of those appeals were completed in FY2018.

21. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

The oldest appeals involve classified records which normally require coordination with other agencies. However, appeals that do not involve any classified records are processed with the 20 day time limit.

TEN OLDEST CONSULTATIONS

22. In Fiscal Year 2018, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

No.

23. 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 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

In FY2017, we closed six of the ten oldest pending consultations from FY2017.

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

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

The foremost obstacle continues to be the continuous receipt of requests for any and all records related to a subject, records that are complex, classified, or may require searches and reviews by multiple components or agencies. Moreover, budget considerations across the DOE continue to affect the ability of programs to hire personnel dedicated to, and experienced in, processing FOIA cases.

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

N/A

26. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2018.

The Department will continue to monitor the ten oldest cases weekly and will discuss those cases with the offices processing the requests to determine the status and any issues that are affecting the closure.

F. Success Stories

Out of all the activities undertaken by your agency 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 agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is

designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

> *The DOE continues to address its backlogged cases by engaging senior leadership at DOE and other agencies, as necessary. We have continued to provide training to ensure employees are aware of their responsibilities under the FOIA and understand the importance of responding to requests in an efficient manner. Awareness and knowledge are key factors in working towards greater success with the FOIA program.*