

## **Section 1: FOIA Leadership and Applying the Presumption of Openness**

### ***A. Leadership Support for FOIA***

- 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, the U.S. Office of Special Counsel's (OSC) Chief FOIA Officer is at this level.

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

Barbara Wheeler Jones, Clerk (Supervisory Attorney Advisor)

- 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?**

OSC has taken several proactive measures to integrate FOIA compliance into its core mission of promoting government accountability and transparency:

- 1. Dedicated FOIA Staffing and Expertise** – OSC has a specialized FOIA team within the Case Review Division (CRD) responsible for processing requests, ensuring compliance with legal obligations, and training staff on FOIA-related matters. The FOIA team includes legal and administrative personnel with expertise in both FOIA law and OSC's statutory obligations.
- 2. Increased Oversight and Accountability** – OSC leadership, including the Chief FOIA Officer, provides direct oversight of FOIA operations to ensure timely and efficient processing of requests. OSC has established clear performance metrics for response times and internal processing.
- 3. Training and Capacity Building** – OSC provides regular FOIA training for staff, including attorneys, case management personnel, contractors, and interns, to enhance understanding of disclosure obligations and exemptions. This training ensures that employees across the agency recognize FOIA as an essential function.
- 4. Enhanced Processing and Tracking Systems** – OSC continues to refine internal case management procedures to improve the efficiency of FOIA request processing.
- 5. Proactive Disclosures** – In alignment with the principles of transparency, OSC proactively publishes certain categories of information on its website, reducing the need for FOIA requests. This includes frequently requested records, final reports, policy guidance, and annual reports.
- 6. Policy and Procedure Enhancements** – OSC periodically reviews and updates its FOIA policies to reflect best practices, changes in FOIA law, and evolving agency needs. The agency also evaluates lessons learned from prior requests to enhance its approach to disclosure.

### ***B. Presumption of Openness***

- 4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in**

**response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.” Does your agency provide such confirmation in its response letters?**

Yes, OSC confirms in response letters to FOIA requesters that the foreseeable harm standard was considered 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:**

**a) The number of times your agency issued a full or partial Glomar response during Fiscal Year (FY) 2024 (separate full and partial if possible):**

OSC’s case management system does not have the ability to search for Glomar responses because that metric is not captured when closing a request. To track Glomar responses, OSC would have to develop a manual tracking process (i.e., excel spreadsheet).

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

Not Applicable

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

Not Applicable

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

OSC has taken several initiatives to reinforce this principle and ensure that maximum transparency is maintained while adhering to statutory requirements:

- 1. Minimizing Withholdings and Applying a Foreseeable Harm Standard** – OSC conducts a careful review of all records requested under FOIA to ensure that exemptions are applied only when necessary. The agency adheres to the **foreseeable harm standard**, ensuring that information is only withheld when disclosure would cause a specific, identifiable harm protected under FOIA.
- 2. Expedited Review for High-Interest Requests** – When requests involve matters of significant public interest, OSC prioritizes processing and review to facilitate prompt disclosure of records, ensuring that information is made available in a timely manner.
- 3. Increased Use of Discretionary Releases** – In cases where exemptions may apply, OSC assesses whether records can still be released in full or with minimal redactions to enhance transparency. The agency actively considers whether discretionary disclosure is appropriate, particularly for records that would inform the public about government operations.
- 4. Proactive Disclosures and Public Availability of Records** – OSC continues to expand its online publication of frequently requested records, policy guidance, final investigative reports, and

other materials of public interest. By proactively posting information, OSC reduces the need for FOIA requests and increases public access to government records.

5. **Open Dialogue with Requesters** – OSC engages with FOIA requesters to clarify the scope of their requests and identify ways to provide the most useful information while minimizing unnecessary redactions. This practice fosters cooperation and ensures requesters receive the information they seek in the most efficient manner.

## **Section II: 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 taken to ensure FOIA training is made available and used by agency personnel.**

OSC is committed to ensuring that agency personnel receive adequate FOIA training to support compliance with transparency obligations. When budget allows, OSC FOIA staff attend the **Annual National Training Conference** and the **FOIA/Privacy Act Training Workshop** sponsored by the **American Society of Access Professionals (ASAP)**. These training events provide valuable updates on FOIA policies, case law developments, and best practices for processing requests efficiently.

In addition to external training opportunities, OSC conducts **in-house FOIA training** for all staff, as part of the agency onboarding regardless of position description or title, to be completed within the first week of hire. This training is also provided annually to all employees as a mandatory “refresher” training.

OSC also utilizes the **Department of Justice’s Office of Information Policy (OIP) website**, which offers a range of FOIA training resources, including webinars, written guidance, and best practices. These materials are regularly reviewed and shared with FOIA personnel to reinforce agency compliance with FOIA requirements.

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

Yes, most of the FOIA professionals at OSC attended various FOIA/Privacy Act training for Fiscal Year (FY) 2024.

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

OSC’s FOIA professionals attended/completed the following:

- Processing a Request from Start to finish Workshop
- Administrative Appeals, FOIA Compliance, and Customer Service
- Virtual Privacy Considerations
- Virtual Exemption 7 Workshop

- Best Practices Workshop on Technology in FOIA
- Virtual Exemption 1 and Exemption 7 Training
- Virtual Exemption 4 and Exemption 5 Training

**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.**

100% of OSC's FOIA professionals and staff attended FOIA training during this rating 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.**

N/A

**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, obligation, and expectations during the FOIA process.**

OSC advises non-FOIA professionals of their obligations under the FOIA during the onboarding process for new employees. This FOIA training is designed to help new employees understand how their records, including email and Teams chat, will be collected and processed in response to a FOIA request. OSC's FOIA team also conducted training that covered the search and retrieval process and provided training on the use of the FOIA online system.

OSC has monthly Senior Staff meetings where the Chief FOIA Officer advises senior leaders that government records are subject to the FOIA. Senior Management has been instructed to retain records according to OSC's records schedule. Since government records are potentially searchable under FOIA, embarrassment is not a reason to withhold a record. Only FOIA exemptions are legal justifications to withhold information in full or in part.

**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, OSC's FOIA professionals proactively contact requesters concerning complex or voluminous requests to clarify or narrow the scope. For example, OSC regularly receives requests for first-party investigative files (often on an expedited basis) which are often complex or voluminous. In these cases, OSC's FOIA professionals proactively contact requesters about modifying the scope

of their request to accept records that are not duplicative or that were not submitted by the requester, which greatly reduces the processing time so requesters can receive responses faster.

Discussions with requesters may involve ideas for how best to narrow their request, provide clarification, or even share examples of similar requests that were both clear and reasonably tailored, allowing the agency to process the request and provide the records more efficiently. In engaging with requesters of particularly broad requests, OSC FOIA Professionals found it effective to provide those requesters with similar requests, as a model for how to clarify the scope and volume. It has become the OSC's FOIA Office's standard practice to proactively contact requesters immediately concerning complex or voluminous requests, so that the requester can clarify with particularity the records he or she is seeking and attempt to limit the request's scope. This process allows the FOIA staff to review records more efficiently and expeditiously, a benefit to both the Agency and the requester. For example, many requests seek "any and all" records. FOIA staff contacts requesters in these instances to explain that such language unnecessarily broadens the scope of the request, and to suggest ways to narrow the scope. FOIA staff often suggests limiting the timeframe of the request or describing details of a specific subject matter for the request. These contacts with requesters have been effective in allowing us to more efficiently provide requesters with the actual records being sought

- 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.**

In Fiscal Year 2024, OSC enhanced its FOIA outreach efforts by launching its inaugural FOIA Focus Newsletter, a new initiative aimed at increasing transparency and engagement with the requester community. This newsletter provides updates on OSC's FOIA operations, guidance on common FOIA request issues, and insights into best practices for submitting requests effectively.

The FOIA Focus Newsletter serves as a proactive communication tool, helping requesters better understand OSC's FOIA process, reduce unnecessary delays, and improve the quality of incoming requests. By sharing agency-specific FOIA trends, frequently requested records, and processing timelines, OSC has been able to foster a more informed requester community.

Additionally, FOIA professionals have used the newsletter to address frequent requester inquiries and clarify procedural updates. This outreach effort has already contributed to more precise and targeted FOIA requests, ultimately improving OSC's FOIA administration by reducing processing time and minimizing the need for clarifications.

- 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 2024 (please provide a total number or an estimate number for the agency overall.**

We notify requesters about the availability of our FOIA Public Liaison, and we estimate that our Liaison was contacted 10 times for assistance 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. OSC has evaluated the allocation of personnel resources needed to respond to current and anticipated FOIA demands. When the budget allows, OSC would like to hire two additional FOIA personnel to enhance processing efficiency and ensure timely responses to requests.

**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.**

OSC uses case management reports and staff processing statistics to ensure efficient management of FOIA workload. For example, FOIA's program specialist (Intake clerk) uses staff processing reports to assign and/or reassign cases among FOIA professionals as necessary.

**12. The federal [FOIA Advisory Committee](#), comprised of agency representatives and members of the public, was created to foster dialogue between agencies and the requester community, solicit public comments, and develop recommendations for improving FOIA administration. Since 2020, the FOIA Advisory Committee has issued a number of [recommendations](#). Please answer the below questions:**

**A) Is your agency familiar with the FOIA Advisory Committee and its recommendations? Yes**

**B) Has your agency implemented any of its recommendations or found them to be helpful? If so, which ones?**

OSC has found several FOIA Advisory Committee recommendations to be valuable in improving FOIA processing and engagement with requesters. In particular:

- **Emphasizing Proactive Disclosures** – OSC has taken steps to increase the availability of frequently requested records and agency guidance by launching the FOIA Focus Newsletter and expanding public access to agency documents.
- **Encouraging Greater Communication with Requesters** – OSC has worked to improve requester engagement through clearer communication, reducing the need for follow-ups and improving response times.

- **Exploring Technology to Improve FOIA Processing** – OSC continues to evaluate tools and system enhancements that streamline FOIA request processing and case management.

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

OSC’s Chief FOIA Officer regularly reviews the status of pending FOIA requests to mitigate processing delays and to strategize ways to close backlogged FOIA requests.

**Section III: Proactive Disclosures**

The Attorney General’s 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 formants possible.”

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

OSC’s Public Affairs Director updates and posts records for public access. For each FOIA request the FOIA Office receives, a search is conducted to determine whether any past requests covered the same topic. In other words, the FOIA Office tracks “repeat requests” for records. While many of our requests are highly particularized, there are relatively few repeat requests. Nevertheless, these repeat requests are shared with OSC’s content managers as opportunities to proactively disclose records of particular public interest.

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

No

**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).**

Most of OSC’s requests are first-party requests and those records are not appropriate for proactive disclosure. However, For FY 2024, OSC did not have any frequently requested records to be posted.

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

Most of OSC’s requests are first-party requests and those records are not appropriate for proactive disclosure.

**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 not taking steps to make posted information more useful, please explain why.**

Yes, OSC is actively taking steps to make posted information more useful and accessible to the public, particularly for individuals who regularly access the agency's website. Some key improvements include:

- **Enhancing Website Navigation & Organization** – OSC has improved the structure of its FOIA Reading Room to make frequently requested records, policies, and reports easier to locate.
  - **Publishing the FOIA Focus Newsletter** – This newly launched publication provides updates on OSC's FOIA processes, guidance for requesters, and highlights best practices for submitting FOIA requests efficiently.
  - **Providing Open and Machine-Readable Formats** – Where possible, OSC posts data-driven reports, such as its **Annual FOIA Report** and **Chief FOIA Officer Report**, in structured formats (e.g., PDFs with searchable text and accessible formatting).
  - **Expanding Proactive Disclosures** – OSC regularly evaluates frequently requested materials to determine what additional information can be proactively posted to enhance transparency and reduce the need for FOIA requests.
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, OSC's proactive disclosure process involves collaboration with multiple agency staff outside the FOIA office, including IT personnel, program offices, and senior executives.

- **IT Personnel** – OSC works closely with IT staff to ensure that proactively disclosed records are properly formatted, accessible, and efficiently posted on the agency's website. IT also assists in maintaining the FOIA Reading Room and ensuring that posted materials are machine-readable and compliant with accessibility standards.
  - **Program Offices** – OSC coordinates with relevant program offices to identify records suitable for proactive disclosure. This includes assessing frequently requested materials, reviewing final reports and guidance documents, and ensuring that information aligns with agency policies.
  - **Senior Executives** – OSC leadership, including senior executives and the Chief FOIA Officer, plays a role in reviewing and approving proactive disclosure initiatives. Their input helps ensure that transparency efforts align with the agency's mission while safeguarding sensitive or protected information.
7. **Optional –Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.**

OSC is committed to enhancing proactive disclosures by implementing best practices that improve public access to frequently requested information while ensuring compliance with legal and security considerations.

**Best Practices:**

1. **Regular Review of Frequently Requested Records** – OSC continuously evaluates FOIA requests to identify records that meet the threshold for proactive disclosure under 5 U.S.C. § 552(a)(2)(D).
2. **Improved Website Accessibility** – OSC collaborates with IT staff to ensure that disclosed records are posted in a searchable, machine-readable, and accessible format for the public.



3. **Stakeholder Engagement** – OSC engages with program offices and senior leadership to determine the best approach for releasing high-interest materials while safeguarding sensitive information.
4. **FOIA Focus Newsletter** – The launch of FOIA Focus has helped educate the public on the agency’s FOIA process, reducing unnecessary requests and promoting transparency.

**Challenges:**

- **Limited Resources** – As a small agency, OSC has limited personnel dedicated to reviewing, preparing, and posting proactive disclosures. Additional staffing would allow for more extensive proactive releases.
- **Balancing Transparency & Confidentiality** – Given the sensitive nature of OSC’s investigative and legal work, careful review is required to ensure that proactive disclosures comply with statutory confidentiality protections while maintaining transparency.
- **Technical Limitations** – While OSC works with IT to improve access to posted records, further enhancements in **search functionality and data presentation** would improve usability for the public.

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

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General’s 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 technology capabilities to identify resources needed to respond to current and anticipated demands?**

Yes.

2. **Please briefly describe any new types of technology your agency began using during the reporting period to respond to current and anticipated FOIA demands.**

Not Applicable

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

OSC leverages Purview’s features to:

- **Streamline Search & Retrieval** – Purview enables efficient enterprise-wide searches across emails and electronic records, allowing FOIA personnel to quickly identify responsive materials.
- **Enhance Accuracy in Record Collection** – The program’s filtering and refinement tools help FOIA staff narrow search results, reducing the need for broad manual review.
- **Improve Compliance & Case Tracking** – Purview supports audit trails and documentation, ensuring that search parameters and results are logged for FOIA tracking and compliance.

While Purview has significantly improved search efficiency, OSC does not currently use machine learning, predictive coding, or AI-assisted review for automated redaction or decision-making. The use of Purview has already resulted in measurable time savings, reducing the need for manual searches and allowing FOIA staff to focus more on review and processing. Looking ahead, OSC remains open to exploring additional automation tools, including AI-assisted redaction software, if resources allow, to further streamline FOIA processing while maintaining compliance with legal and confidentiality obligations.

**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, OSC reviewed its website during the reporting period to ensure it addresses the elements noted in the guidance.

**5. Do all four of your agency's quarterly reports for Fiscal Year 2024 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 2025.**

Not applicable

**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 2023 Annual FOIA Report and, if available, for your agency's Fiscal Year 2024 Annual FOIA Report.**

<https://osc.gov/Documents/Resources/FOIA/FOIA%20Annual%20Reports/Annual%20FOIA%20Report%20Fiscal%202023%20-%20Raw%20Data.docx>

<https://osc.gov/Documents/Resources/FOIA/FOIA%20Annual%20Reports/Annual%20FOIA%20Report%20Fiscal%202024%20Raw%20Data.csv>

**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, OSC is in compliance with the guidance establishing interoperability to receive requests from the National FOIA Portal on FOIA.gov.

**9. Optional –Please describe the best practices used in greater utilizing technology, and any challenges your agency faces in this area.**

Not Applicable

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

The Attorney General's 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 to first-party requested records outside of the FOIA process?**

Yes, first-party requestors can request case records if the investigation of their complaint is still active.

**2. If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of success.**

OSC's Directive 53 permits first party requests to obtain records that are part of his/her case file if the investigation is still active. OSC provides records that are sent by the first-party requester and OSC letter correspondence.

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

OFC's FOIA Office continually reviews agency regulations regarding first-party information access to determine whether the process can be simplified and less onerous for first-party requesters. Concrete examples of this simplification include consideration of a new Privacy Act form and ID certification.

**B. Timeliness**

**4. For Fiscal Year 2024, 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 2024 Annual FOIA report.**

19.24 days

**5. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal year 2024 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.**

To ensure that requests for expedited processing are adjudicated within 10 calendar days or less, despite strained resources, increased intake, and the challenges of the unreliable FOIA Express platform, OSC will make efforts to implement the following strategic steps:

- Create clear internal guidelines and checklists to expedite the review process.
- Pre-approved templates for acknowledgment letters, approval, or denial of expedited requests can also accelerate response times.
- Establish a "rapid review" phase where initial eligibility for expedited processing is determined within the first 48 hours.
- If feasible, consider bringing in temporary staff to assist with surges in requests, particularly during known high-volume periods such as election seasons.

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

Yes.

**7. If your agency uses a separate for simple requests, according to Annual Report Section VII.A., was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2024?**

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 2024 that were placed in your simple track. Please use the following calculation base 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.**

76.47%

**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?**

Not Applicable

**C. Backlogs**

**BACKLOGGED REQUESTS**

**11. If your agency had a backlog of requests at the close of Fiscal Year 2024, 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 2023?**

No, the backlog increased.

**12. If not, according to Annual Report Section XII.D.1, did your agency process more requests during Fiscal Year 2024 than it did during Fiscal Year 2023?**

Yes

**13. If your agency's request backlog increased during Fiscal Year 2024, 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 factor:**

- 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.

OSC faced significant challenges in reducing its backlog in Fiscal Year 2024. Several interrelated factors contributed to this outcome, including an increase in incoming requests, the impact of the political season on complaint volume, and technical limitations within our FOIA processing platform.

**1. Increase in Incoming Requests During the 2024 Political Season:**

Fiscal Year 2024 was a high-demand period for OSC, particularly due to the heightened political environment associated with the election cycle. As expected, the volume of Hatch Act complaints rose significantly during this time. Since many FOIA requests are tied to Hatch Act investigations, this surge directly increased the workload for our FOIA team. Responding to these requests requires careful coordination with investigative units and a detailed review of sensitive documents, which naturally extends processing times and contributes to the backlog.

**2. Correlated Rise in FOIA Requests for Hatch Act Violation Records:**

The high-profile nature of Hatch Act investigations often leads to increased public and media interest, generating a parallel rise in FOIA requests for records related to these cases. Each request requires thorough review and appropriate redactions to ensure compliance with statutory requirements while protecting personal privacy and sensitive information. The specificity and volume of these requests during the political season placed an additional burden on our already limited resources.

**3. Unreliable FOIA Express Platform and Manual Redaction Burdens:**

OSC's reliance on the FOIA Express platform for processing and redacting documents posed a significant challenge. The platform has proven unreliable, particularly in its automated redaction capabilities. In many cases, the tool failed to perform adequate redactions, necessitating a shift to manual redaction processes by our staff. This labor-intensive approach not only slowed response times but also increased the risk of human error and further contributed to the backlog.

**4. Resource Constraints and Manual Processing Requirements:**

The combination of increased volume and technical inefficiencies would be challenging under normal circumstances; however, OSC's resource limitations compounded these issues. Our FOIA team had to divert time and effort from processing new requests to addressing technical issues

and performing manual redactions, reducing overall throughput and limiting our ability to make progress on the backlog.

**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 2024. Please use the following calculation based on the 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."**

24.69%

#### **BACKLOGGED APPEALS**

**15. If your agency had a backlog of appeals at the close of Fiscal Year 2024, 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?**

Not Applicable

**16. If not, according to Section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2024 than it did during Fiscal Year 2023?**

Not Applicable

**17. If your agency's appeal backlog increased during Fiscal Year 2024, 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.

Not Applicable

**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 2024. Please use the following calculation based on the data from your Annual FOIA Report: (backlogged appeals 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 2023 and/or has no appeal backlog, please answer "N/A."**

Not Applicable

**19. In the 2024 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000**

requests in Fiscal Year 2023 were 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 2024?

Not Applicable

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

Not Applicable

#### **E. Reducing the Age Requests, Appeals, and Consultations**

##### **TEN OLDEST REQUESTS**

**21. In Fiscal Year 2024, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2023 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 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

Not Applicable

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

OSC's FOIA Office proactively contacts requesters in an attempt to narrow the scope and volume of requests.

##### **TEN OLDEST APPEALS**

**24. In Fiscal Year 2024, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2023 Annual FOIA Report?**

Yes

**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 VI.C.5 of your Fiscal Year 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

OSC closed all 2 of 2 pending appeals in Question 25.

**26. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce**

**the overall age of your pending appeals.**

We added additional staff to the group that handles FOIA appeals.

#### **TEN OLDEST CONSULTATIONS**

**27. In Fiscal Year 2024, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2023 Annual FOIA Report?**

Not Applicable

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

Not Applicable

#### **Additional Information on 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 2024.**

Not Applicable

#### **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, and any other information to illustrate the impact of litigation on your overall FOIA administration.**

Not Applicable