



**U.S. Department
of the Interior**

Chief FOIA Officer Report to the Attorney General



**Office of the
Executive
Secretariat**



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UNITED STATES DEPARTMENT OF THE INTERIOR

Chief FOIA Officer Report for 2012

Background

The Department of the Interior (DOI) has wide-ranging responsibilities. Its broad and diversified mission once earned DOI the nickname “the Department of Everything Else.” DOI’s services and programs are also dispersed geographically across the U.S., Puerto Rico, U.S. Territories, and Freely Associated States. The variety and scope of DOI services and programs are characteristics unique to DOI and acknowledgment of this fact will aid readers in understanding DOI’s Freedom of Information Act (FOIA) Program. Another characteristic that helps illustrate the unique challenges confronting DOI and its FOIA Program is DOI’s role as manager of 500 million acres (20 percent of the land area of the United States), 700 million acres of subsurface minerals, and 53 million acres of submerged land in four Pacific marine national monuments. DOI also has jurisdiction over an additional 1.7 billion acres of the Outer Continental Shelf and 35,000 miles of coastline.

Today, DOI is responsible for maintaining and improving America’s natural and cultural resources, economic vitality, development of energy resources on Federal lands, and community well-being through various services and programs. Our customers include park visitors, wildlife observers, sportsmen, stockmen, miners, Tribes, individual Indians, state and local communities, farmers, domestic energy development industries, and electric power users.

DOI’s FOIA operations are decentralized across 11 bureaus and offices. Each bureau/office has a FOIA Officer in charge of its FOIA program. Depending on the size of the bureau/office and the location of its personnel, some bureaus/offices maintain a highly decentralized FOIA process while others are highly centralized.

Due to the vast missions of these bureaus and offices, which also involve a growing number of sensitive, high profile issues, the 11 FOIA programs continue to receive large numbers of requests of increasing complexity from a broad spectrum of requesters. Some of these issues include domestic and renewable energy production, protection of endangered species, land and water management, and fulfillment of the Government’s obligations with regard to the Native American Nations.

In January 2011, the DOI FOIA policy staff in the Office of the Chief Information Officer (OCIO) and the FOIA Office staff for the Office of the Secretary (OS) in the National Business Center (NBC) were moved to the Office of the Executive Secretariat and Regulatory Affairs (OES). This reorganization was undertaken in an effort to strengthen internal collaboration, communication, and consultation on FOIA requests and on other record access requests such as those received from Congress, parties in litigation in discovery, etc. Therefore, OES has assumed much of the oversight responsibility for the Department's FOIA Program and supports the Chief FOIA Officer in his carrying out his responsibilities.

The following briefly describes the structure of the Department's FOIA Program, which supports an effective and efficient system for compliance with the FOIA:

DOI Chief FOIA Officer

Pursuant to Executive Order (E.O.) 13392 and subsequently the OPEN Government Act of 2007, DOI's CIO has been designated as the Chief FOIA Officer for the Department. A Department-level FOIA program team which until January 2011 resided within the OCIO serves as the Department's FOIA policy staff. The DOI FOIA policy staff were moved to the OES but continue to assist the Chief FOIA Officer in carrying out his responsibilities.

Departmental FOIA Policy Staff

The DOI FOIA policy staff:

- Develops and revises policies, regulations, guidelines, procedures, and standards for DOI FOIA implementation, including the Department's FOIA Handbook (383 DM 15).
- Maintains the Department's FOIA website and main FOIA Library.
- Provides program oversight, technical assistance, and formal training to DOI FOIA personnel and others.
- Manages the electronic FOIA tracking system (EFTS) – a centralized, web-based application that provides for standardized tracking and reporting of FOIA requests DOI-wide and adherence to DOI FOIA regulations.

- Prepares the Department’s FOIA annual report based on data entered into the EFTS by Bureau/Office FOIA personnel.
- Helps coordinate high profile or multi-bureau request issues.

Bureau/Office FOIA Programs

As mentioned above, DOI’s FOIA operations are highly decentralized. All FOIA and Privacy Act (PA) requests for Department records are directed to the appropriate Bureau/Office FOIA Officer. Depending on the individual bureau or office, responses to requests may be made by the Bureau/Office FOIA Office at headquarters, FOIA staff in the field, or the program office that maintains the requested records.

At the bureau/office level, designated FOIA Officers are responsible for day-to-day FOIA operations within their respective organizations. These officials will issue additional policies and guidance for use within their own organizations when necessary to ensure that FOIA requests are handled appropriately by bureau/office personnel. They also serve as FOIA Public Liaisons for their own bureaus/offices and provide training for their employees, often in collaboration with the DOI FOIA policy staff and SOL.

The Office of the Solicitor

The SOL supports the Department’s FOIA Program by providing legal interpretations of the FOIA and guidance to bureaus and offices, as well as the DOI FOIA policy staff. The SOL provides legal reviews of FOIA initial determinations and appeals, as necessary; assists in developing DOI’s FOIA regulations; and handles FOIA/PA litigation for the Department. Along with the DOI FOIA policy staff and the FOIA Appeals Officer, SOL assists in training DOI personnel.

FOIA/PA Appeals Office

The Department’s FOIA/PA appeals function is located in and administered by SOL. The Appeals Office receives, tracks, monitors, and issues final determinations on all FOIA/PA appeals made to the Department.

Relationship of Departmental FOIA Program to Bureau/Office FOIA Programs

The DOI FOIA policy staff provides the regulatory and policy framework for the Department’s FOIA Program. (The staff does not process any FOIA/PA requests or appeals.) Within this framework, each of the 11 component bureaus and offices

operates its own FOIA Program that is tailored to its organizational mission and structure.

Program Oversight and Reporting Structure

The Bureau/Office FOIA Officers report each month to the DOI FOIA policy staff in OES on their backlogs. This heightens awareness among the managers of the bureau/office FOIA programs about their backlogs, and allows the DOI FOIA policy staff to monitor trends or spikes in backlogs and the opportunity to work with bureaus/offices on ways to reduce backlogs. A number of the bureaus/offices send reports to their managers on a regular basis indicating any overdue FOIA requests. This step has resulted in substantial backlog reductions.

In addition, the FOIA Policy Office produces a weekly chart for the DOI FOIA Program Office of new incoming FOIA requests from across the Department. This report helps to increase awareness and coordination among the bureau FOIA Officers and the Department as well as increase efficiency in the production of related documents associated with document requests from Congress.

Background Summary

For the reasons discussed above, DOI faces immense challenges in achieving full compliance with the FOIA. The Department strives to ensure that members of the public receive the access to the information to which the law entitles them while meeting its obligation to protect national resources in accordance with its mission.

This report describes actions taken by the Chief FOIA Officer, the Department's FOIA policy staff, as well as the FOIA programs in DOI's 11 bureaus and offices, to ensure overall compliance with the FOIA and the Administration's FOIA guidelines. The 11 DOI bureaus and offices that are responsible for receiving and responding to FOIA requests and for administering their own FOIA programs have provided input to this report.

SECTION I: STEPS TAKEN TO APPLY THE PRESUMPTION OF OPENNESS

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

Training continues to be a major focus of the Department's FOIA Program and is an essential tool DOI uses to ensure compliance with FOIA and the Administration's FOIA and Transparency and Open Government policies.

The Department conducted the following FOIA training in 2011:

- Training for DOI FOIA employees at the American Society of Access Professional's Annual National Training Conference held in Las Vegas, Nevada (March).
- Four separate training sessions for Bureau of Indian Affairs (BIA) Managers to strengthen their awareness of the FOIA, including their responsibilities under the law and the Administration's FOIA guidelines (July - August). These sessions were held at BIA regional conferences in Phoenix, Tacoma, Tulsa, and Albuquerque. Attendance was mandatory for all BIA supervisors and managers.
- Four in-depth, two-day training sessions – A Practical Introduction to FOIA Processing – for approximately 150 BIA FOIA processors and FOIA attorneys at regional offices in Arizona, California, New Mexico, and Oklahoma. These sessions covered procedural issues, application of exemptions, DOI FOIA policies and regulations, guidance on making discretionary and proactive disclosures and emphasized the impact of the Administration's FOIA Guidelines on implementation of the FOIA within DOI (September - October). (NOTE: In light of shrinking Federal budgets, the Department will be examining ways to provide training via video or teleconference to reduce travel costs and increase the number of personnel participating in training.)
- DOI hosted alternative dispute resolution training for DOI FOIA personnel presented by the Office of Government Information Services (OGIS), National Archives and Records Administration (November). DOI collaborated with OGIS to design and deliver the full-day training session attended by DOI FOIA personnel, including attorneys from a cross-section

of bureaus and offices. The training was aimed at improving communication skills to help participants communicate more effectively with FOIA requesters. The training included role-plays with scenarios taken directly from the real-life experiences of DOI FOIA personnel, which made the training very relevant to a DOI audience. The training was deemed very successful when a number of participants noted the applicability of the training to their own interactions with FOIA requesters and thought it would help make them more effective on the job. DOI is considering hosting additional sessions in other regions later in FY 2012.

- The DOI FOIA Program Office hosted monthly FOIA meetings. The meetings were led by the managers of the DOI FOIA Program Office on behalf of the DOI Chief FOIA Officer and were attended by the Bureau/Office FOIA Officers, the DOI FOIA policy staff, and attorneys from the Division of General Law in the Office of the Solicitor (SOL). At these meetings, briefings or informal training is provided as needed to make the FOIA personnel aware of changes to FOIA and the Administration's policies, Department of Justice (DOJ)/Office of Management and Budget requirements, the latest case law, and to reinforce DOI policies/procedures due to inconsistencies, errors, and other problems noted in appeals/lawsuits. (See item 6 below.)
- The DOI FOIA policy staff continued to provide informal briefings and training for Bureau/Office FOIA personnel as needed to make them aware of changes in case law, the Administration's policies, DOJ requirements and to reinforce DOI policies/procedures as a result of inconsistencies, errors and other problems noted in appeals/lawsuits. The staff provided technical assistance to all levels of the Department, bureaus/offices, other agencies and the public to ensure statutory/regulatory compliance and mitigate appeals and litigation and avoid potential attorney fees.
- Some bureaus/offices provided bureau-wide training for their FOIA personnel, e.g., the Bureau of Reclamation (BOR) and the Bureau of Land Management (BLM). Other bureaus/offices such as the U.S. Geological Survey (USGS) and the U.S. Fish and Wildlife Service (FWS) reported that training was provided to targeted audiences within those bureaus.

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

DOI has long encouraged bureaus/offices to ensure that their FOIA personnel attend FOIA training annually, particularly FOIA training provided by: the Department, DOJ, the Graduate School USA, or the American Society of Access Professionals (ASAP). In accordance with the Department's FOIA Improvement Plan and the recommendations of the DOI FOIA Program Office, some bureaus/offices require their FOIA personnel to attend annual FOIA training to be certified for their jobs.

All bureaus reported that their FOIA personnel, including FOIA processors and FOIA attorneys, attended at least one FOIA training course held by one of the aforementioned providers. The Division of General Law in the SOL also provided FOIA training to its Rocky Mountain Regional Office at the request of that Office.

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

3. Did your agency make any discretionary releases or otherwise exempt information?

It has been the Department's longstanding policy to provide the greatest access possible to records and information requested under the FOIA. Whenever possible, DOI makes discretionary releases of otherwise exempt information. DOI will consider making a discretionary release as long as the release would not foreseeably harm an interest protected by a FOIA exemption.

The Department currently does not track discretionary disclosures. However, the majority of DOI's bureaus/offices reported making discretionary releases of information during the reporting period, including the BLM; the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE); the OS; the Office of Surface Mining (OSM); the FWS; the USGS, and the Office of Inspector General (OIG).

4. What exemptions would have covered the information that was released as a matter of discretion?

The bureaus/offices that reported making discretionary releases did so primarily for material covered under Exemption 5 and formerly covered by Exemption 2

prior to the Supreme Court's decision in *Milner v. Department of the Navy*, 131 S. Ct. 1259 (2011).

The OIG recently released information covered under exemption 7 that was part of the Investigative Manual pertaining to procedures and OIG has released legal opinions prepared by the Office of General Counsel that would have been previously withheld under exemption 5.

5. Describe your agency's process to review records to determine whether discretionary releases are possible.

Typically, the FOIA processor consults the program office (subject matter expert) where the requested documents were created, the Bureau/Office FOIA Officer, or Regional FOIA Coordinator, and his/her FOIA attorney before making a discretionary release under the FOIA.

The DOI FOIA Handbook and a directive issued by the Department's Chief Information/FOIA Officer on August 6, 2010, require that the bureau/office consult with its FOIA attorney and obtain the FOIA attorney's surname (i.e., signature indicating his/her approval) on the decision to make a discretionary release of information. These guidance documents are posted on the Department's website at <http://www.doi.gov/foia/policy.html>.

Such decisions are made on a case-by-case basis. The FOIA attorneys in the SOL ensure that the bureau's decision to release otherwise exempt information reflects appropriate consideration of the likelihood of harm to an interest protected by an exemption in accordance with the Attorney General's 2009 FOIA guidelines.

6. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

As described in item 1 above, the DOI FOIA Program within the OS holds monthly FOIA Officer meetings. Since January 2011, these meetings have been led by the managers of the DOI FOIA Program in the OES on behalf of the DOI Chief FOIA Officer and are attended by the FOIA Officers for the 11 bureaus and offices, the DOI FOIA policy staff, and attorneys from the Division of General Law in the SOL. These meetings allow the lead FOIA personnel in DOI bureaus/offices to discuss issues of common concern, seek guidance or assistance in addressing any problems or questions that arise during the month, and generally foster communication, collaboration, and consultation between the personnel who process or oversee the processing of FOIA requests and the attorneys who have the most experience in dealing with FOIA issues. Whenever there are significant changes in policy or case law, these meetings also serve as informal training

sessions on the topics covered. For example, after the Supreme Court’s landmark decision in *Milner v. Department of the Navy*, an attorney in the General Law Division briefed the FOIA Officers at the monthly meeting. The FOIA Officers were able to ask questions about specific types of information affected by the Supreme Court’s ruling and get answers that they could take back to the other FOIA personnel in their respective bureaus and offices.

In Section V.B.(1) of your agency’s Annual FOIA Report, entitled “Disposition of FOIA Requests – All Processed Requests” the first two columns list the “Number of Full Grants” and the “Number of Partial Grants/Partial Denials.” Compare your agency’s 2011 Annual FOIA Report with last year’s Annual FOIA Report, and answer the following questions:

7. Did your agency have an increase in the number of responses where records were released in full?

No. The number of full grants decreased 2.5 percent in FY 2011. (See chart below.)

8. Did your agency have an increase in the number of responses where records were released in part?

Yes. The number of partial grants increased 3.5 percent in FY 2011. (See chart below.)

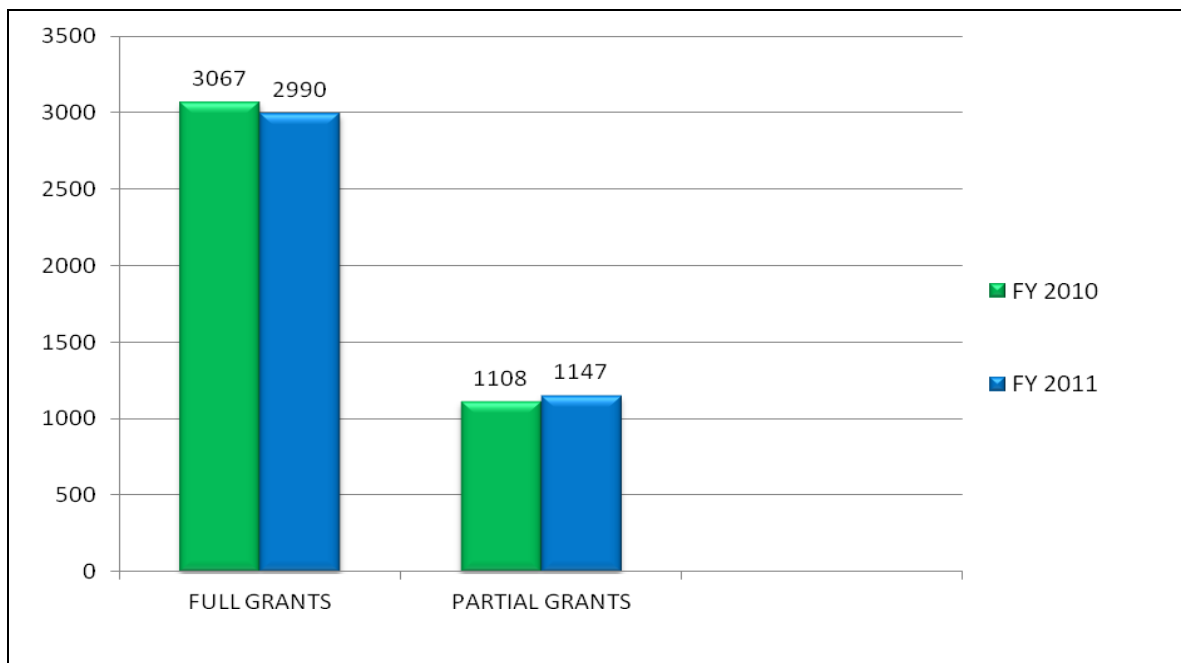


Figure 1: The DOI's number of partial grants increased from 1,108 in FY 2010 to 1,147 in FY 2011. The DOI's full grants decreased from 3,067 in FY 2010 to 2,990 in FY 2011.

Overall, DOI experienced a one percent decrease in the number of full and partial grants in FY 2011 over FY 2010 levels. However, this may be due to the type of information being requested. During FY 2011, as is not unusual for the Department, the Department received and processed a large number of requests for documents that were also involved in litigation. Also, some bureaus reported processing unusually large and complex requests involving hundreds, if not thousands of documents (i.e., MMS/BOEMRE – Deepwater Horizon Oil Spill; FWS – complex regulatory decisions involving high profile Endangered Species Act-listed species; and BIA – controversial Land-into-Trust Decisions). Many of these complex FOIA requests resulted in partial grants. Unfortunately, if even a portion of one document must be withheld while hundreds if not thousands of documents are released, the request is considered a “partial grant” because this terminology does not differentiate between a request for one document and a more complex request for hundreds of documents.

SECTION II: STEPS TAKEN TO ENSURE THAT YOUR AGENCY HAS AN EFFECTIVE SYSTEM IN PLACE FOR RESPONDING TO REQUESTS

1. Do FOIA professionals within your agency have sufficient IT support?

In December 2010, the Departmental FOIA policy and operational functions were moved as part of DOI’s IT Transformation (aimed at reorganizing and consolidating DOI’s IT Program to reduce redundancies and improve the delivery of IT and information management services). The DOI FOIA Program Office (policy) in the OCIO and the OS FOIA Office (receipt and processing of requests for OS records) in the NBC were transferred to the OES. This change was aimed at improving communication, consultation, and collaboration between all of the components and offices that comprise the Department’s FOIA Program.

DOI’s FOIA operations are highly decentralized. The majority of the Bureau/Office FOIA Offices were located within the offices of their senior advisors to the Department’s CIO. Since the FOIA operations within the bureaus/offices were left in place organizationally and the FOIA Managers still support DOI’s CIO, this arrangement continues to provide a strong common thread that links DOI’s FOIA Offices with one another as well as with the DOI Chief Information/FOIA Officer. Each Bureau/Office FOIA Program is separately managed and resourced. Notwithstanding the highly decentralized environment in which the Department operates, this structure promotes consistency and common purpose among the FOIA offices of mission-diverse organizations and helps ensure

they receive the necessary IT support. The fact that the Chief FOIA Officer is also the Chief Information Officer of the Department also ensures that the FOIA Program receives sufficient IT support.

2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?

Yes. The Department's Chief FOIA Officer/Chief Information Officer collaborates with the bureaus/offices and the Departmental FOIA policy staff to provide oversight for DOI's FOIA Program. The Chief FOIA Officer receives periodic updates from the OES on significant matters affecting the Program, such as backlog reduction efforts, Web and IT issues, resource needs, etc. The monthly meetings with Bureau/Office FOIA Officers described in Section I are a forum for the bureaus/offices to raise issues of concern about their FOIA programs to the Department's senior managers so they can be addressed as quickly and as completely as possible. For example, in January 2012, the Department's Chief FOIA Officer and his staff attended the monthly Bureau FOIA Officers meeting to update the bureaus on the progress of the Department's eMail Enterprise Records and Document Management System, part of Secretarial Order 3309. When deployed (anticipated in June 2012), this system will provide DOI a single governance platform supporting all bureaus and employees through IT Transformation.

3. Do your FOIA professionals work with your agency's Open Government Team?

As part of DOI's Open Government Plan, DOI stood up a pilot to incorporate alternative dispute resolution in the FOIA Program. The Departmental FOIA Officer and the OS FOIA Officer worked with the Office of Collaborative Action and Dispute Resolution (CADR) and the OGIS to achieve this milestone. The SOL currently leads the Department's Open Government Team. In 2011, DOI and OGIS collaborated to design and provide alternative dispute resolution skills training to DOI FOIA professionals. The training aimed to increase the communication skills of DOI's FOIA professionals to help them communicate effectively with FOIA requesters and provide better customer service. By encouraging greater communication with requesters, the Department hopes to reduce response times, backlogs, and unnecessary appeals and lawsuits by giving FOIA personnel the tools they need to effectively negotiate with requesters in order to resolve complex or overly burdensome requests or other matters in dispute.

4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.

Departmental efforts continued to focus attention on backlog reduction in monthly backlog reports from the bureaus/offices and discussions in monthly meetings. The DOI FOIA policy staff continues to both collaborate with bureaus/offices to find appropriate remedial actions for their respective backlogs, such as hiring additional full-time employees and/or contract employees to assist with the existing FOIA workload, as well as providing sufficient training and guidance to new and existing FOIA personnel.

The challenges that some DOI bureaus/offices face hinge upon the fact that FOIA processing remains a collateral duty (e.g., many Bureau/Office FOIA Officers also serve as Privacy Officers and/or Records Officers). FOIA request processing can be overtaken by other urgent priorities that compete for staff attention. Privacy and Records requirements, like those of FOIA, continue to expand. Many bureaus also face FOIA requests of an increasingly complex nature.

The diverse missions, geographical ranges, and resources of DOI's bureaus/offices preempt DOI from adopting a "one size fits all" approach to resolving the problems faced by individual bureaus/offices. Further, FOIA resources are set on a bureau-by-bureau basis. Despite these challenges, the majority of DOI bureaus/offices have made measurable improvements in their backlogs and response times. For those bureaus/offices that continue to struggle, the Department will continue to work one-on-one with bureaus/offices that continue to struggle to recommend and guide the implementation of solutions.

5. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

As noted in earlier reports, the DOI gives requesters the option of using an electronic request form on its FOIA website to submit their requests online. Requesters electronically submit their requests to the bureau/office that maintains the records they seek. Their requests are received by the selected Bureau/Office FOIA Officer via email. This technology has significantly streamlined the receipt and acknowledgment of requests.

The DOI employs a centralized, Web-based EFTS to electronically assign request numbers and track request data required for compilation of the FOIA annual report. All DOI bureaus and offices (except OIG) use the same system. The system was designed to increase information-sharing throughout the Department's FOIA

Program, eliminate redundancy, and provide greater accountability and consistency in responses while accommodating enhancements to meet future requirements. It provides management reporting capability for quarterly and ad hoc reports on individual bureau/office backlogs and overall response times. Bureaus/offices that receive only a small number of FOIA requests can use the EFTS without paying a monthly fee.

In 2011, DOI established a “FOIA Request Status” public interface on its FOIA website to enable FOIA requesters to check on the status of their individual requests whenever they choose.

DOI is currently working to add FOIA/PA appeals data to the EFTS. This will allow bureaus/offices, for the first time, to have immediate access to appeals data related to their requests. It would eliminate the need for FOIA/PA appeals data to be added manually to the Department’s FOIA annual report and enable reporting and management oversight of appeals processing.

Some individual DOI bureaus/offices have reduced their backlogs and/or overall response times by:

- Scanning and electronically transmitting requested documents for review or consultation in conjunction with using redaction software, thereby significantly reducing the time needed for the consultation and review processes;
- Increasing proactive disclosures to reduce the public’s need to file FOIA requests; and
- Delegating signature authority to the lowest responsible level possible, e.g., field offices, where appropriate, thereby eliminating the need to send documents to an external review authority and back.

SECTION III: STEPS TAKEN TO INCREASE PROACTIVE DISCLOSURES

1. Has your agency added new material to your website since last year?

Yes. The Department and its bureaus and offices continued to add more material to their websites, as described below. The Department is committed to upholding

the Administration's Transparency/Open Government policies by increasing its proactive disclosures whenever possible.

2. Provide examples of the records, datasets, videos, etc., that have been posted this past year.

DOI continues to be a strong supporter of the concepts of open data sharing to enhance transparency. Between March 2011 and March 2012, DOI has published eight (8) new data sets on Data.gov. Here are a few examples:

- USGS Map-a-Planet Website: Online mapping tool that allows visitors to explore the images of the surface of a planet or satellite (moon), access information related to the area explored, and order a seamless, tailor-made image map in a wide variety of image formats. Data sets served by the site are cartographically accurate global image mosaics prepared by the USGS Astrogeology Research Program for NASA. There are numerous data sets available covering many planets and satellites from numerous spaced exploration missions, such as Viking, Voyager, and Clementine. In addition to the tools for exploring these images, the website offers the Map-a-Planet Web Map Service, an online service for accessing image data from desktop GIS and mapping software.

- USGS WaterWatch Website: Displays maps, graphs and tables describing real-time, recent, and past streamflow conditions for the U.S. Streamgage-based maps show the location of more than 3,000 long-term (30+ years) USGS streamgages; use colors to represent streamflow conditions compared to historical streamflow; feature a point-and-click interface allowing users to retrieve graphs of stream stage and flow; and highlight locations where extreme hydrologic events, such as floods and droughts, are occurring. Also illustrates streamflow conditions in hydrologic regions; shows average streamflow conditions for 1-, 7-, 14-, and 28-day periods and for monthly average streamflow; highlights regions of low flow or hydrologic drought; provides historical runoff and streamflow conditions beginning in 1901; and summarizes streamflow conditions in a region (state or hydrologic unit) in terms of the long-term typical condition at streamgages in the region.

- FWS Wetlands Data Extraction Tool: Enables shapefile extraction of wetland data and represents the extent, approximate location and type of wetlands and deepwater habitats in the conterminous U.S. Data sets delineate the areal extent of wetlands and surface waters. Provides Americans with current information on the status, extent, characteristics and

functions of wetlands, riparian, deepwater and related aquatic habitats in priority areas to promote the understanding and conservation of these resources.

Several bureaus/offices reported that they posted new material on their websites routinely in FY 2011 on topics of ongoing public interest. For example, the National Park Service (NPS) created a FOIA Library for its Point Reyes National Seashore, which received numerous requests concerning the Drakes Bay Oyster Company Special Use Permit Environmental Impact Statement. The NPS posted frequently requested FOIA documents in this FOIA Library and created a separate webpage for background material to shed light on the planning process and potentially reduce the number of new FOIA requests (see http://www.nps.gov/pore/parkmgmt/planning_dboc_sup_background.htm).

The BOEMRE, which was split into separate bureaus in October 2011¹, reported posting renewable energy documents, and offshore leasing program information, and continued to add records related to the Deepwater Horizon Oil Spill that have been cleared for public release.

The USGS reported that it proactively publishes and maintains online a vast inventory of books, maps, reports, posters and other types of information on its website, <http://www.usgs.gov/>, including nearly 90,000 high resolution scans of the more than 200,000 historical USGS topographic maps, some dating as far back as 1884. During FY 2011, USGS published 134 videos to its website, such as videos of the post-fire flash flood in Coronado National Memorial, Arizona, and USGS Science - Walrus Haul-Out 2011. In addition, USGS has published approximately 1,440 photos and 40 audio files published to its website emphasizing the crucial science being conducted at USGS.

The OSM reported posting the following to its website this past year:

- Kayenta Mine documents:

http://www.wrcc.osmre.gov/Current_Initiatives/Kayenta_Mine/Renewal.shtm

- Navajo Mine Area IV North Navajo Mine documents:

http://www.wrcc.osmre.gov/Current_Initiatives/Navajo_Mine/AreaIVNorth.shtm

¹ BOEMRE was replaced by the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) as part of a major reorganization.

- State REG-8 Oversight Documents, such as annual evaluation reports and other non-oversight reports such as Abandoned Mine Lands National Environmental Policy Act reports:

<http://www.arcc.osmre.gov/FOs/CHFO/WV/wvoversight.shtm> and
<http://www.arcc.osmre.gov/FOs/LFO/AML/Projects.shtm>

- National Technology Transfer Program Applied Science solicitations, fact sheets and final reports:

<http://www.techtransfer.osmre.gov/NTTMainSite/appliedscience.shtm>

- Applicant Violator System documents and system access:

<http://www.arcc.osmre.gov/Divisions/AVSO/DocumentIndex.shtm>

- Links to collected news articles that are of interest to OSM's constituents:

<http://arri.osmre.gov/News/News.shtm>

- Information and reports regarding OSM's Forest Reclamation Advisories for the Appalachian Regional Reforestation Initiative:

<http://arri.osmre.gov/Publications/Publications.shtm>

- Mid-Continent Region Technology Transfer's homepage features monthly conference call summaries and surface mining-related presentations:

<http://www.techtransfer.osmre.gov/MRsite/mrhome.shtm>

- Mid-Continent Region Technology Transfer's oversight documents:

<http://www.mcrcc.osmre.gov/MCR/Oversight/oversight2.shtm>

Other bureaus/offices that reported posting new material on their websites include BIA, BOR, and BLM. The BLM redesigned its Wild Horse and Burro Program's website, <http://www.blm.gov/wo/st/en/prog/whbprogram.html>, to help make it easier for the public to find information about the program and its work. The redesign included adding a new section on how BLM uses science and research to ensure that wild horses and burros can thrive on healthy public rangelands, and a new public feedback form.

Finally, Interior's main website at www.doi.gov continuously posts information, videos, such as amazing videos taken inside the Washington National Monument during the East Coast Earthquake of August 23, 2011, and the latest news about Departmental initiatives, programs and activities.

3. Describe the system your agency uses to routinely identify records that are appropriate for posting.

Documents are posted in accordance with the FOIA. Certain information is made available via electronic FOIA Libraries consistent with 5 U.S.C. 552(a) (2), e.g., final opinions, policies and administrative staff manuals.

For other types of information, program offices normally determine when their information would be of interest to the public and shed light on their operations. They review the material in collaboration with the FOIA staff and the SOL to determine if it is releasable under the law. Once it has been determined that the information may be made available to the public, the Departmental FOIA Office and/or the bureaus/offices coordinate with their Office of Communications/Public Affairs before posting to the appropriate site.

Additional information posted online stem from collaborative initiatives. OES continues to coordinate the distribution of documents associated with completed Congressional document productions to the bureaus for posting when the material encompasses related FOIA requests. In addition, some of the bureaus, e.g., BLM, have Data.gov Teams which meet regularly to discuss possible data for posting to the Data.gov Federal site.

4. Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc.?

Yes. In response to the public (including the requester community), industry, and various government agencies, BOMERE improved its highly successful Deepwater Horizon Library by creating a new search tool and, at the same time, reorganized hundreds of individual documents into a more streamlined structure based on the original requester, date, and new search terms and categories. The response from the public was very positive. When originally established, the library did not have any search capability due to the more urgent need of making hundreds of documents publically available in real time.

In terms of frequently requested documents and other material required to be posted in agency FOIA Libraries, the Department's main FOIA website (<http://www.doi.gov/foia>) contains links to all of the bureau/office FOIA websites and FOIA Libraries to make them easy for the public to find. The Department's

website contains a “Customer Comment Form” inviting feedback from visitors via email.

Additionally, the OIG and BLM are engaged in efforts to redesign their overall Web presences. The OIG’s website now boasts a more user-friendly design and its FOIA pages are being updated to provide more links to useful information for requesters, an online FOIA request form, hyperlinks to the Departmental FOIA regulations and plain English explanations of the FOIA process. The BLM FOIA page now includes a “Frequently Requested Records” section. The bureau is also proactively posting quarterly logs of BLM FOIA requests and program information of interest to the public.

DOI also uses six (6) social media tools that help Americans connect with the nation’s heritage, natural resources and cultures while improving transparency and openness:

- YouTube: DOI’s YouTube Channel (www.youtube.com/USInterior) houses a growing selection of Interior-produced videos. Bureau channels include www.youtube.com/reclamation (Bureau of Reclamation), www.youtube.com/USGS (U.S. Geological Survey), and www.youtube.com/NationalParkService (National Park Service).
- Facebook: Secretary Salazar's Facebook page has been augmented by a new “USInterior” page (<http://www.Facebook.com/USInterior>) with a broader selection of news from DOI. Interior bureaus, offices and other units number among the dozens of DOI Facebook presences.
- Flickr: DOI's Flickr presence (<http://www.flickr.com/photos/USInterior>) holds a limited selection of images from the Secretary’s events and active travel schedule. Flickr has been somewhat downgraded in importance since DOI's move to its current Web content management system.
- Twitter: Many of the latest news updates and happenings at DOI are now accessible via Twitter (<http://www.Twitter.com/Interior>). Among the dozens of active Interior Twitter accounts are USGS (<http://twitter.com/USGS>), Reclamation (<http://twitter.com/usbr>) and BLM's National Interagency Fire Center (<http://twitter.com/BLMnifc>).

- AddThis: Provides the "share" button found near the top of every DOI news page. The button enables users to easily share DOI information via email or social networks.

- TwitterFeed: Allows DOI to automatically create Twitter "tweets" from RSS feeds. In some cases, automating a Twitter feed can provide more reliable content than human operators might generate. For example, the TwitterFeed of #USInteriorJobs sends dozens of Interior job postings from USAJobs.gov each day, without intervention.

A complete list of DOI Social Media presences is available at: <http://www.doi.gov/news/Social-Media.cfm>. Some bureaus/offices also maintain their own lists of social media presences:

BUREAU/OFFICE	SOCIAL MEDIA LISTS
Bureau of Reclamation	http://www.usbr.gov/main/multimedia/index.html
U.S. Fish and Wildlife Service	http://www.fws.gov/home/socialmedia/
Bureau of Indian Affairs	http://www.bia.gov/socialmedia/index.htm
U.S. Geological Survey	http://www.usgs.gov/socialmedia/

5. Describe any other steps taken to increase proactive disclosures at your agency.

The Department has been named the lead agency for the United States on the application process to join the Extractive Industries Transparency Initiative (EITI), an international effort to use a voluntary consensus-based process to promote transparency in the collection and payments of royalties and revenue associated with extractive industries. DOI is working to develop a multi-stakeholder group comprised of extractive industry stakeholders, Federal agencies and civil society groups. This multi-stakeholder group will collaboratively develop and publish a fully costed workplan and a timetable for implementation of the EITI as part of its application for candidacy in EITI. The President announced the United State’s intention to apply for candidacy within EITI as part of the Open Government Partnership’s National Action Plan publication.

SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY

Electronic receipt of FOIA requests:

1. Can FOIA requests be made electronically to your agency?

Yes. DOI currently receives written requests via fax or email. In addition, the Department maintains an electronic FOIA request form accessible on its FOIA website at <http://www.doi.gov/foia>. The request form is completed online and electronically transmitted as an email to the Bureau/Office FOIA Officer for the bureau/office selected by the requester.

2. If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?

All components within the Department have the capability to receive FOIA requests electronically.

Online tracking of FOIA requests:

3. Can a FOIA requester track the status of his/her request electronically?

Yes. Since 2010, the Department has maintained a “FOIA Request Status” interface on its FOIA website at <http://www.doi.gov/foia/foiaStatusIndex.html>. This feature enables requesters to check the status of their requests whenever they choose consistent with the OPEN Government Act of 2007 and the Administration’s Transparency/Open Government policies.

4. If not, is your agency taking steps to establish this capability?

N/A

Use of technology to facilitate processing of requests:

5. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Yes.

6. If so, describe the technological improvements being made.

Some bureaus/offices reported using collaboration software to facilitate the review process for documents requiring review by multiple offices or multiple individuals within the bureau/office. Some bureaus/offices also use this software to post internal procedural guidance for the processing of documents in response to requests.

SECTION V: STEPS TAKEN TO IMPROVE TIMELINESS IN RESPONDING TO REQUESTS AND REDUCE BACKLOGS

1. 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. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

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

Yes. The Department employs three regular processing tracks: Simple, Normal, and Complex.

b. If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?

Yes. The Department averaged three (3) days to process simple requests.

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

N/A

2. Sections XII.D.(2) and XII.E.(2) of your agency’s Annual FOIA Report, entitled “Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals,” show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2011 as compared to Fiscal Year 2010. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled “Pending Requests – Ten Oldest Pending Requests,”

and Section VI.C.(5), entitled “Ten Oldest Pending Administrative Appeals,” from both Fiscal Year 2010 and Fiscal Year 2011 should be used for this section.

a. If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?

Yes. At the end of FY 2011, DOI had an overall FOIA backlog of 505 requests. This represents a 26 percent decrease from the agency’s backlog at the end of FY 2010 (679 requests). (See Figure 2 below.)

b. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

Yes. In FY 2011, the backlog of FOIA appeals was reduced from 274 to 222 appeals. This represents a 19 percent reduction). (See Figure 2 below.)

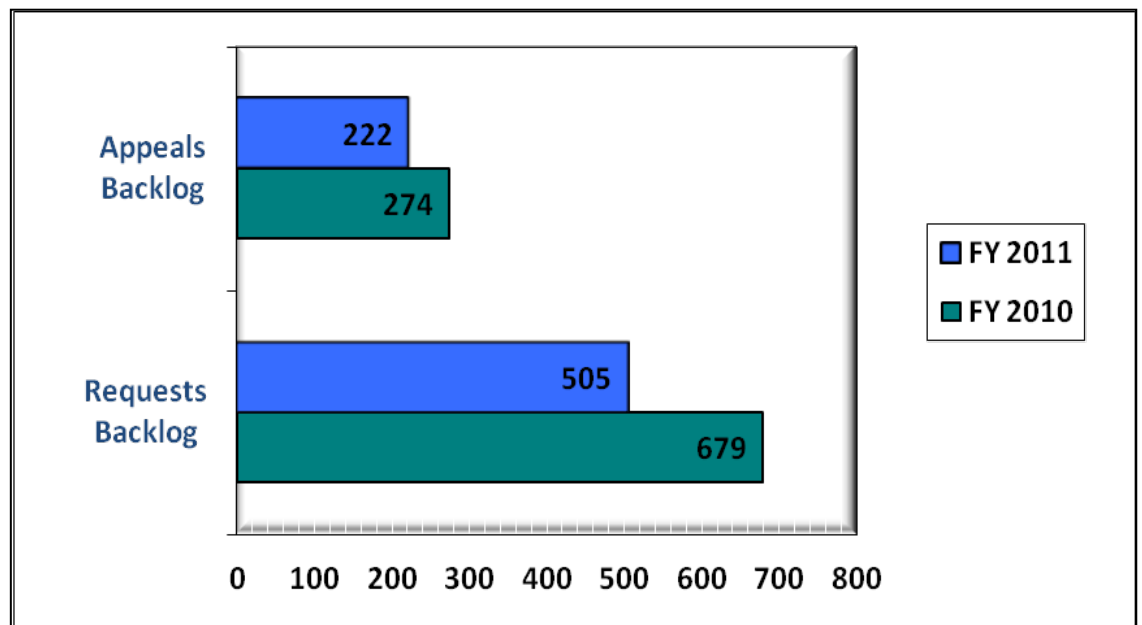


Figure 2: DOI reduced its request backlog from 679 (FY 2010) to 505 (FY 2011). DOI reduced its appeals backlog from 274 (FY 2010) to 222 (FY 2011).

c. In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?

Yes. DOI’s ten oldest requests from FY 2010 were closed in FY 2011.

d. In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

Yes. DOI's ten oldest appeals from FY 2010 were also closed in FY 2011.

3. If you answered “no” to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog:

a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

N/A

b. Was the lack of a reduction in the request backlog caused by a loss of staff?

N/A

c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

N/A

d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

N/A

Administrative Appeal Backlog:

a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

N/A

b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

N/A

c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

N/A

d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

N/A

1. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

Since 2006 and the issuance of the Department's FOIA Improvement Plan under E.O. 13392, backlog reduction has been a major focus of the Department's FOIA

Program. All DOI bureaus/offices submit monthly backlog reports to the DOI FOIA Program Office. The staff reviews them and collaborates with bureaus/offices to find appropriate remedial actions when necessary. Also, an important management tool DOI employs is its EFTS, which enables bureaus/offices to readily produce real-time snapshots of their backlogs, allowing the FOIA Officers to readily monitor and manage their backlogs. Despite a three percent overall reduction in DOI FOIA personnel, DOI reduced its backlog of FOIA/PA requests and appeals by 26 percent and 19 percent, respectively.

2. Has your agency increased its FOIA staffing?

Overall, the Department decreased FOIA staffing by three percent. However, with the creation of two new bureaus (BOEM and BSEE), the Department has hired additional FOIA staff.

3. Has your agency made IT improvements to increase timeliness?

The Department's EFTS was deployed in 2002 and is used by ten of the 11 Bureau/Office FOIA Offices (the OIG maintains a separate tracking system for security-related purposes). The EFTS allows users within the same bureau or users in different bureaus to assign action electronically on misdirected FOIA requests or FOIA requests involving documents maintained by multiple bureaus/offices. This eliminates the need to mail, email, or fax a request to the other FOIA offices. The system automatically assigns a new control number to the assigned request and sends an email notification of the assignment to the Bureau/Office FOIA Officer or other designated FOIA personnel.

In 2012, the Department will incorporate the FOIA Appeals/PA data into the EFTS to allow system users to track initial requests to get real-time information about appeals made in connection with those requests, facilitate preparation of the FOIA annual report, and to leverage the reporting capabilities of the EFTS to enable the Appeals Office to run reports that can help it better manage its caseload.

A number of bureaus/offices reported using commercial software to convert electronic records to Portable Document Format (PDF) to allow for electronic redaction and transmission by email for both consultations and release to requesters.

4. If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or

agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?

DOI bureaus and offices reported receiving few consultations from other agencies. However, when they do receive consultations, they employ electronic methods to transmit their responses, where possible. Some bureaus also reported using shared business agreements and/or communicating regularly with the agencies to facilitate timely completion of consultations.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2011?

DOI bureaus or offices did not invoke statutory exclusions during FY 2011.

2. If so, what is the total number of times exclusions were invoked?

N/A

Spotlight on Success

Result 1: Backlog Reduction Exceeded Open Government Goal

Despite many challenges and an increase in the scope and complexity of the requests it received during FY 2011, the Department achieved an overall reduction in its backlog of 26 percent—far exceeding the 10 percent reduction rate mandated by the Open Government Directive of December 2009. In addition, the Department's FOIA/PA Appeals Office succeeded in reducing its backlog by 19 percent in FY 2011.

Result 2: Improved Internal/External Coordination

DOI is pleased with how well the Department and its bureaus kept pace with the public's request for information on the FOIA websites and FOIA Libraries, particularly on how BOMERE successfully responded to the public by developing a new search tool for its popular Deepwater Horizon Library.

DOI is also very pleased to note that, in the Office of Information Policy's assessment of the progress made by the Executive Departments in implementing

the President's FOIA Memorandum and the Attorney General's FOIA guidelines for 2011, DOI was the only agency to fully achieve all 23 of the targeted goals. (See the assessment here: <http://www.justice.gov/oip/2011-cfo-reports.pdf>.)

As discussed in Section I of this report, DOI collaborated with OGIS at NARA to develop and deliver a full day of alternate dispute resolution training for DOI FOIA personnel at headquarters in November. The training included role-play using scenarios modeled after the experiences of DOI FOIA personnel. As a result, several participants in the training noted that they would be able to immediately apply the skills they acquired to their FOIA responsibilities. DOI is considering hosting additional sessions in other regions later in FY 2012.

Result 3: Improved Overall Efficiency

Finally, DOI is especially pleased with how the Bureau/Office FOIA Officers improved their internal collaboration, coordination, and communication, which reduced overlapping efforts and increased overall efficiency and coordination related to other document productions in the Department.