



I. Steps Taken to Apply the Presumption of Openness

1. In response to the President's FOIA Memorandum and the Attorney General's FOIA Guidelines, the Office of the Solicitor (SOL) held a training session for FOIA attorneys on how to interpret and apply the new policy on July 23, 2009. Additionally, the attorneys assigned to open FOIA cases at the time the Holder Memorandum was issued reviewed their asserted withholdings—with the result that additional disclosures were made in several instances. Further, the SOL advised client bureaus who have been sued that they need to be sure that they could articulate a foreseeable harm for all of their withholdings, which also resulted in additional disclosures. The SOL reported a decrease in the number of exemptions 2, 5, and 6 asserted from FY08 to FY09. The SOL does not have any examples of discretionary disclosures or any statistics that document discretionary disclosures.

2. The SOL reported an increase in the number of full grants from FY08 to FY09 (from 15 to 23 requests) and a decrease in partial releases (from 22 to 10).

II. Steps Taken to Ensure an Effective System for Responding to Requests

Once a FOIA request is received, it is logged into the DOI electronic FOIA tracking system (EFTS) within one business day. Once logged, an e-mail is sent to the responsive SOL Coordinators to inform them that they have a FOIA request to review on the SOL intranet. Attached to the e-mail is a FOIA records search form that the Coordinators are asked to complete and return to the SOL within 2 business days. In doing so, the SOL is able to quickly determine whether an office has responsive documents and, if not, to quickly send a letter to the requester to close out the request.

When the office does have responsive records, the Coordinators then route the request to the subject matter expert attorney(s) on staff for timely processing. An acknowledgement letter is sent to the requester on the same day that the request is disseminated. Responsive offices are given 10 business days to find material and supply them for processing of the FOIA request. When a responsive office fails to meet the 10 day requirement, e-mails and monthly reports are disseminated to senior managers to facilitate the processing of FOIA requests.

The SOL has placed its FOIA program under the auspices of the Chief Information Officer where it functions in tandem with information technology operations.



III. Steps Taken to Increase Proactive Disclosures

In 2002, the Department faced a significant litigation challenge in *Cobell v. Norton*, which yielded a drastic impact on the FOIA program, whereby the SOL and the Bureau of Indian Affairs (BIA) were completely disconnected from the Internet (including e-mail) for six years. The SOL and BIA were reconnected to the Internet during the third quarter of FY08. The SOL is currently working with the Department to integrate the SOL FOIA reading room within the Office of the Solicitor website. The SOL Reading Room will comply with the required Electronic Reading Room criteria to include documents appropriate for release such as the Solicitor's Opinions, frequently requested documents, documents expected to be highly requested, and SOL policy and procedures.

IV. Steps Taken to Greater Utilize Technology

1. Yes, the SOL currently receives requests electronically. Requests may be submitted online to sol.foia@sol.doi.gov or by fax.
2. Not Applicable
3. Yes, the SOL tracks requests electronically using the EFTS and internally uses Microsoft SharePoint to collaborate on requests.
4. Not Applicable
5. Yes, the SOL uses redaction software to automate and standardize the exemptions exercised. The SOL also provides documents electronically by converting paper documents into a Portable Document Format (PDF).
6. Currently, the only technological obstacle the SOL is experiencing is too few available licenses for FOIA redaction software.
7. Yes, the SOL utilizes technology to prepare its FOIA Annual Report (the EFTS).
8. Not Applicable



V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

1. The SOL FOIA backlog essentially remained unchanged between FY08 and FY09. In FY08, the SOL reported that its oldest backlogged FOIA request was from December 2005; this request has since been completed/closed. Our current oldest backlogged FOIA request dates from February 2006. The SOL FOIA backlog was 70 in FY 08 and was reported to be 61 in FY 09.

2. Between FY08 and FY09, the SOL backlog has decreased by 13 percent (70 to 61). However, during the same time period, the SOL has experienced a 9 percent increase in the number of received FOIA requests. Despite this increase, the SOL has posted a 38 percent increase in FOIA requests closed from FY08 to FY09.

3. The SOL has implemented several strategies to improve the processing of its FOIA requests and reduce the FOIA backlog. The strategies listed below and implemented in 2009 have netted a 38 percent increase in FOIA requests closed from FY08 to FY09. In addition to the strategies listed below, the SOL also plans to offer additional training opportunities to the FOIA Coordinators and office managers which will focus on strategies to improve response time to statutory deadlines.

SOL process improvement strategies include the following:

- a. In further utilization of existing technologies and in addition to traditional e-mails, the SOL is utilizing automated ticklers to FOIA Coordinators regarding the status of FOIA requests.
- b. The SOL is e-mailing a monthly report to all senior managers indicating the overdue FOIA requests—a practice which has resulted in substantial backlog reductions. For example, the first overdue FOIA report was sent out in April 2009 to 18 SOL components. By January 2010, only 9 SOL components received overdue request reports.
- c. Through dialogue with SOL FOIA Coordinators, the SOL has been able to further refine its process through identifying bottlenecks such as where to send responsive documents and how to proceed when more than one office has pertinent information on a topic. In doing so, we have reduced both processing time and uncertainty among our FOIA colleagues.



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- d. The SOL also e-mails responsive offices a standard FOIA records search form for the Coordinators to complete and return with all new requests. In doing so, the SOL is able to quickly determine whether an office has responsive documents. This form has led to improved turnaround time and overall process efficiency.
- e. The SOL has taken a renewed approach to conversing with the requesters to scope or refine the requested material to a more manageable level. Oftentimes, a response to an overly broad FOIA request is delayed while the request is being narrowed or clarified.