



2022 Chief FOIA Officer Report

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Section 1: Steps Taken to Apply the Presumption of Openness

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

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

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above this level?

OGE's Chief FOIA Officer is a senior official equivalent to this level.

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

Diana Veilleux, Chief, Legal, External Affairs and Performance Branch, Program Counsel Division.

B. FOIA Training

3. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

OGE promptly informs FOIA team members of available FOIA trainings. Specifically, OGE provides its FOIA team members with direct registration links to the FOIA courses offered by DOJ's Office of Information Policy. In addition, OGE's FOIA personnel who require or seek more extensive training are sent to commercially available FOIA/PA training. Members of the FOIA team also provide periodic briefings to employees at staff meetings about responsibilities under the FOIA.

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

Yes, the personnel at OGE who have FOIA responsibilities attended FOIA training during the reporting period.

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

The personnel at OGE who have FOIA responsibilities attended various courses and seminars offered by DOJ's Office of Information Policy including the Virtual Continuing FOIA Education, Virtual Procedural Requirements and Fees Workshop, Virtual Processing from Start to Finish Workshop, Virtual Introduction to FOIA, Virtual Exemption 1 and Exemption 7 Workshop, Virtual Annual FOIA Report Refresher and Quarterly Report Training, CFO Refresher Training, and FOIA Litigation Seminar. In addition, one of the OGE's FOIA personnel attended a virtual training entitled Freedom of Information and Privacy Acts, which was offered by Graduate School USA.

6. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

80% of OGE staff with FOIA responsibilities attended substantive FOIA training during this reporting period.

7. 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

8. Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?

Yes, as part of OGE's records management program, all agency employees, including those with FOIA responsibilities, attended training on federal records management. In addition, this year, all agency employees, including those with FOIA responsibilities, attended training in managing Controlled Unclassified Information (CUI).

C. Outreach

9. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

Yes. OGE's FOIA team regularly reached out to requesters who had pending requests to provide status updates and to discuss/clarify the scope of a request. These contacts have led to improved relations with the requestor community. In addition, OGE used its

Twitter account to show requesters and other members of the public how to access information on OGE's website, including how to navigate OGE's online FOIA resources and how to find ethics documents for senior government leaders that are available on OGE's website. These types of contacts have enabled requestors to access information that they otherwise would not have known was already publicly available.

D. Other Initiatives

10. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe:

- **how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and**
- **if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?**

Through periodic email and staff meeting reminders, the OGE FOIA Team regularly informs non-FOIA professionals of their obligations under the FOIA, particularly that any documents created or maintained as part of the non-FOIA professional's job may be responsive to a FOIA request. FOIA Team members also provide support and respond to questions from individuals who have been requested to search for records to respond to a particular request, or anyone who otherwise has questions about the FOIA process. OGE's Chief FOIA Officer provides quarterly briefings to OGE's senior leaders on OGE's FOIA program, resources, obligations and expectations during the FOIA process.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

DOJ's FOIA Guidelines emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

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

1. For Fiscal Year 2021, 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 2021 Annual FOIA Report.

6.8 days.

2. 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 2021 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.

N/A

3. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?

Yes, OGE has updated its FOIA regulations in accordance with the Improvement Act of 2016.

4. Standard Operating Procedures (SOPs): Having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your agency have up-to-date internal SOPs for your FOIA administration?

Yes, OGE has an internal FOIA SOP that outlines the processes for FOIA administration at the agency.

5. If not, please provide a timeline for when your agency plans to develop or update its SOPs.

N/A

6. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?

Yes, OGE has established alternative means of access to first-party requested records outside of the FOIA process.

7. 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 access.

OGE leverages its FOIA Tracking and Reporting System to post processed requested records, with applicable exemptions, directly to its website.

8. Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.

Yes, OGE regularly conducts self-assessments of its FOIA program by reviewing processing procedures and response templates, and analyzing Annual FOIA Report data. When appropriate, OGE makes changes to increase efficiency, improve search processes, increase transparency, and otherwise improve the operation of OGE's FOIA program. During the reporting period, OGE revised its FOIA processing procedures to improve case tracking, workflow and accountability.

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 FY 2021 (please provide a total number or an estimate of the number).

OGE estimates that requesters seek assistance from its FOIA Public Liaison two to three times per month.

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

Yes, OGE regularly reviews its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

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

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

OGE's FOIA professionals are uniquely situated to identify and track operational documents of the agency and post the records on OGE's FOIA Library to the extent it is feasible. In addition, OGE's FOIA personnel review each request when it is first received to identify popular topics and post frequently requested records, once processed, directly to OGE's website.

2. Provide examples of material 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). Please include links to these materials as well.

During the past reporting year, OGE continued proactively disclosing records processed for release under the FOIA, with applicable exemptions, on its [website](#).

In addition, the following materials were proactively disclosed on OGE's website during the past reporting year:

OGE Advisories: OGE posted all [written guidance](#) to executive branch ethics officials and employees, including legal, education, and program advisories.

Ethics Program Review Reports: OGE conducts reviews of agency ethics programs and issues recommendations to improve the ethics program if deficiencies are found. To confirm that the agency has acted on OGE's recommendations, OGE also conducts a follow-up review six months from the date of the report. OGE posted all [program review reports](#) and follow-up reports on its website.

Public Financial Disclosures & Ethics Agreements:

- Public financial disclosure reports submitted by the President and Vice President may be accessed [here](#).
- Public financial disclosure reports submitted by candidates for the Office of President or Vice President may be requested [here](#).

- Public financial disclosure reports submitted by appointees or nominees to positions for which the pay is set at Levels 1 and 2 of the Executive Schedule may be accessed [here](#).
- OGE has an automated online process for providing public access to other [public financial disclosure reports](#) (OGE Forms 278, 278e, and 278-T) for Presidential appointees confirmed by the Senate (PAS).
- OGE also posted the ethics agreements of PAS employees, which describe the steps an appointee will take to avoid any actual or apparent conflicts of interest, as well as records of ethics agreement compliance, at the above links.

Certificates of Divestiture: Information on requesting copies of Certificate of Divestitures (CDs), as well as a list of recent CDs that have been issued, may be accessed [here](#).

Executive Branch Agency Ethics Pledge Waivers: Copies of the waivers granted pursuant to Executive Order 13770 are available [here](#). Copies of the waivers granted pursuant to Executive Order 13490 are available [here](#).

Certain Waivers and Authorizations issued between May 1, 2016 – April 30, 2017: On April 28, 2017, OGE issued a directive (PA-17-02) requiring agencies to submit information and records related to certain waivers and authorizations. This [page](#) provides an overview of agency responses and instructions for how to request responsive documents.

Travel Reports: Agencies are required to submit to OGE semiannual reports of payments for travel, subsistence, and related expenses received from non-federal sources in connection with the attendance of employees at certain meetings or similar functions. OGE posted these [travel reports](#) on its website.

Annual Agency Questionnaire Responses: This [Questionnaire](#) asks agency ethics offices for information about ethics officials and the administration of agency ethics programs, as well as core elements of the ethics program that assist in the identification and resolution of potential conflicts of interest.

3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.

N/A

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

Yes. OGE is taking steps to make posted information useful to the public and individuals who regularly access OGE's website.

5. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

OGE is engaging in public outreach to help the public better understand the material posted to OGE's website. In addition to driving traffic to substantive ethics content on its website, OGE is using its Twitter account to educate the public about the executive branch ethics program and to explain the types of records available on OGE's website. In addition, OGE's redesigned website has made the website more useful to the public and other stakeholders. When redesigning the website, OGE ensured that information is posted in machine-readable and machine actionable formats.

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

N/A

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that describes your agency's efforts in this area.

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

Yes, OGE reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands.

2. Please briefly describe the types of technology your agency began using during the reporting period to support your FOIA program.

OGE uses its FOIA Tracking and Reporting System to post records processed for release under the FOIA, with applicable exemptions, directly to its [website](#). OGE's use of the FOIA Tracking and Reporting System facilitated overall FOIA efficiency by eliminating the manual, time-consuming steps previously required to post FOIA records.

3. 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, OGE reviewed its FOIA website during the reporting period to ensure it addresses the elements noted in the guidance.

4. Did all four of your agency's quarterly reports for Fiscal Year 2021 appear on your agency's website and on FOIA.gov?

Yes, all four OGE's quarterly reports for Fiscal Year 2021 appear on OGE's website and on FOIA.gov.

5. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2022.

N/A

6. 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 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 Annual FOIA Report.

The raw statistical data used to compile the Annual FOIA Reports is available [here](#). Specifically, the raw statistical data used to compile the 2020 Annual FOIA Report is available [here](#). The raw statistical data used to compile the 2021 Annual FOIA Report is not yet available.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's FY 2020 and 2021 Annual FOIA Reports.

A. Simple Track

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

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

No. OGE utilizes tracks for expedited processing and non-expedited processing.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2021?

N/A

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 that were placed in your simple track.

N/A

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

No, the average number of days to process all non-expedited requests was not twenty working days or fewer. According to section VII.A of the FY21 Annual FOIA Report, OGE's non-expedited requests had an average processing time of 72.3 days. 93.58% percent of requests processed by OGE in Fiscal Year 2021 were placed in the non-expedited processing track.

B. Backlogs

When answering these questions, please refer to you Fiscal Year 2021 Annual FOIA Report, Sections XII.D-E, which compare the numbers of requests and appeals received, processed, and backlogged between Fiscal Years 2020 and 2021.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2021, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

Yes.

6. If not, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?

N/A

7. If your agency's request backlog increased during Fiscal Year 2021, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

N/A

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2021. If your agency has no request backlog, please answer with "N/A."

The percentage of requests that make up the backlog out of the total number of requests received by OGE in Fiscal Year 2021 is approximately 11 percent.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

At the close of Fiscal Year 2020, OGE had no backlogged appeals.

10. If not, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?

N/A

11. If your agency's appeal backlog increased during Fiscal Year 2021, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

N/A

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2021. If your agency did not receive any appeals in Fiscal Year 2021 and/or has no appeal backlog, please answer with "N/A."

N/A

C. Backlog Reduction Plans

13. In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2020 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2021?

N/A

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, what is your agency's plan to reduce this backlog during Fiscal Year 2022?

N/A

D. Status of Oldest Requests, Appeals, and Consultations

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2020 and Fiscal Year 2021 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2021, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2020 Annual FOIA Report?

No, in Fiscal Year 2021 OGE did not close the ten oldest requests that were reported pending in OGE's Fiscal Year 2020 Annual FOIA Report.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2020 Annual FOIA Report.

By the end of the fiscal year, OGE closed nine out of the ten oldest requests that were reported pending in OGE's Fiscal Year 2020 Annual FOIA Report.

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

OGE hired additional FOIA staff.

TEN OLDEST APPEALS

18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2020 Annual FOIA Report?

OGE did not have any pending appeals at the end of Fiscal Year 2020.

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2020 Annual FOIA Report.

N/A

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

N/A

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2021, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2020 Annual FOIA Report?

OGE did not have any pending consultations at the end of Fiscal Year 2020.

22. 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 2020 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

N/A

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

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020.

Closing OGE's ten oldest requests required extra time and resources because the responsive records were voluminous and raised complicated legal questions related to disclosure of financial and other private information.

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

N/A

25. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2022.

OGE plans to focus on the ten oldest pending FOIA requests and ensure that it processes as many and possible during Fiscal year 2022.

F. Success Stories

In Fiscal Year 2021, OGE made significant progress toward working down its backlog of requests. As background, OGE received an extensive number of requests to be processed by its small FOIA team. The responsive records were often voluminous and raised complicated legal questions related to disclosure of financial and other private information. Despite continuing to receive a higher than average number of FOIA requests in Fiscal Year 2021, OGE significantly reduced its backlog and had only ten backlogged requests as of end of the Fiscal year. The FOIA team also continued to meet more regularly to discuss case processing, priorities and challenges inherent in operating during the Covid-19 pandemic, and revised its FOIA processing procedures.