



# 2017 CHIEF FOIA OFFICER REPORT

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.



DEPARTMENT OF EDUCATION  
OFFICE OF MANAGEMENT  
FREEDOM OF INFORMATION ACT (FOIA)  
SERVICE CENTER

## Table of Contents

Section 1: Steps Taken to Apply the Presumption of Openness.....	2
A. FOIA Training .....	2
B. Outreach .....	3
C. Other Initiatives .....	3
Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests.....	3
A. Processing Procedures.....	4
B. Requester Services.....	5
C. Other Initiatives .....	5
Section III: Steps Taken to Increase Proactive Disclosures .....	6
A. Posting Material.....	6
B. Other Initiatives .....	8
Section IV: Steps Taken to Greater Utilize Technology.....	8
A. Making Material Posted Online More Useful.....	8
B. Use of Technology to Facilitate Processing of Requests.....	9
C. Other Initiatives .....	10
Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs.....	10
A. Simple Track.....	10
B. Backlogs .....	11
BACKLOGGED REQUESTS .....	11
BACKLOGGED APPEALS .....	12
C. Backlog Reduction Plans .....	12
D. Status of Ten Oldest Requests, Appeals, and Consultations .....	13
TEN OLDEST REQUESTS.....	13
TEN OLDEST APPEALS.....	13
TEN OLDEST CONSULTATIONS .....	14
E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans.....	14
F. Interim Responses.....	15
Success Stories .....	15

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## Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's **FOIA Memorandum** and the DOJ's **2009 FOIA Guidelines** is the presumption of openness.

### A. FOIA Training

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

Yes.

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

- Yes. FOIA professionals from multiple ED program offices took advantage of the many training opportunities that were made available, including FOIA training provided by the Department of Justice's Office of Information Policy (OIP), and the American Society of Access Professionals (ASAP):
  - ASAP Annual National Training Conference.
  - ASAP Food For Thought Luncheon.
  - DOJ's Best Practices Workshop series.
  - DOJ's training on preparation of the FOIA Annual Report and the Chief FOIA Officer Report.
- ED also offered the following internal training during the reporting period:
  - ED's central FOIA Office (i.e., FOIA Service Center (FSC)) provided the FOIA coordinators within individual ED program offices refresher courses on the Department's internal FOIA process, and the proper usage of the nine (9) FOIA exemptions.
  - In addition to the FOIA coordinators meetings, the FSC provided tailored FOIA training to specific program offices within ED. The training offerings included: FOIA 101 to provide staff a basic overview of the FOIA, an assessment of their overall FOIA program, best practices in responding to requests, addressing their FOIA case backlog, desk side training on the tracking system used by ED to process FOIA/Privacy Act (PA) requests, and the correct usage of the nine (9) FOIA Exemptions.
  - Furthermore, ED launched the Office of Information Policy's FOIA e-Learning training modules to the Department's internal training platform as part of our Annual Training.

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

- At least 95% of ED's FOIA professionals and staff with FOIA responsibilities attended substantive training during this reporting period. We feel the high rate of FOIA professionals that attended training is due to the continual outreach effort made by the FSC where we notify FOIA professionals of the various training opportunities that are available. These notifications are provided in ED's FOIA newsletter and through blast e-mails to staff.

4. 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

## B. Outreach

5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

- As in previous years, ED FOIA professionals, including persons within the FSC, attended multiple Sunshine Week events in 2016. This engagement has assisted ED's FSC in better understanding the requester public.
- Members of ED's FSC staff have attended FOIA Advisory Committee Meetings during this reporting period in which the requester community often voiced their concerns regarding various FOIA topics.

6. If you did not conduct any outreach during the reporting period, please describe why.

N/A

## C. Other Initiatives

7. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

All new ED personnel are informed of their FOIA obligations as part of our "On Boarding" process.

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

N/A

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

The DOJ's **2009 FOIA Guidelines** emphasized that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

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

### **A. Processing Procedures**

1. For Fiscal Year 2016, 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 2016 Annual FOIA Report.

The average number of days was 12.78.

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

The FOIA Service Center has established more managerial oversight of the process to ensure timely decisions. Due to limited resources, we were unable to comply with the 10 day requirement.

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

During this reporting period, ED implemented self-assessments through various measures.

- ED reviewed and updated our FOIA standard operating procedures.
- A Quality Control (QC) Plan was implemented. The focus of the QC Plan was to identify deficiencies within case processing for Fiscal Year 2015 and adherence to FOIA processing requirements of ED's FOIA program.
- Through regular metrics and dashboards, the FOIA program maintained regular interaction with ED Senior Officials.

4. Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

Of the 2,307 cases processed in Fiscal Year 2016, 506 were from commercial use requesters.

## B. Requester Services

5. Does your agency provide a mechanism for requesters to provide feedback about their experience with the FOIA process at your agency? If so, please describe the methods used, such as making the FOIA Public Liaison available to receive feedback, using surveys posted on the agency's website, etc.

- Requesters are notified of their right to communicate with ED's FOIA Liaison through various forms of communications (e.g., acknowledgment letters, fee determinations, FOIA Library, etc.).

6. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison.

- ED's FOIA Public Liaison has been contacted for assistance 22 times since the enactment of the FOIA Improvement Act of 2016. A few examples of why requesters sought out the services of the FOIA Public Liaison include status updates regarding their open case, delays in producing records, fee issues, and questions regarding records received.

7. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.

The FOIA reference guide is located on the home page of ED's FOIA Library:

<https://www2.ed.gov/policy/gen/leg/foia/foiatoc.html?src=ft>.

## C. Other Initiatives

8. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

ED is making a concerted effort to ensure its FOIA system operates efficiently and effectively, including:

- Facilitating cyclical meetings scheduled between FOIA professionals (particularly ED FOIA coordinators within program offices and the FSC) to foster collaborative work relationships, to improve search processes, to effectively troubleshoot problems and to facilitate more timely and substantive responses to FOIA requests.
- Enriching a continuous partnership between Office of the General Counsel (OGC) and FSC in an effort to enhance FOIA Training, to improve FOIA handling practices, and to better understand all procedural and regulatory requirements.
- Deploying upgrades to its FOIA tracking system specifically designed to maximize efficiency, improve search capabilities, and increase collaboration between different program offices within the Department when searching for responsive records and reviewing requests.
- Utilizing an e-Discovery tool to conduct enterprise-wide searches.

## Section III: Steps Taken to Increase Proactive Disclosures

Both the **President's** and **DOJ's** FOIA memoranda 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.

### A. Posting Material

1. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

- ED's FSC collaborates internally with program offices across the Department as an ongoing effort to identify records for proactive disclosure. This is an effort in the Department's FSC, which, at times, requires an electronic search of the case management tracking system to identify frequently requested records. Additionally, the FOIA Coordinators in each program office are tasked with monitoring their incoming requests to identify cases that have reached the "rule of three."
- Also, ED's FSC in partnering with the OGC FOIA Attorneys continues to communicate to program offices to follow the "rule of three" to identify categories of records that have been frequently requested or for which there is an anticipated high public interest.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

Yes. ED's FSC in partnering with the OGC FOIA Attorneys continues to communicate and train personnel to make records publicly available without waiting for specific requests from the public.

3. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

Yes.

4. If so, briefly explain those challenges and how your agency is working to overcome them.

- ED continues to face challenges posting some documents that do not meet the requirements for posting documents under Section 508. ED as a whole has made a commitment to ensure that all documents are produced with Section 508 requirements in mind. Training on Section 508 is routinely made available.
- Additionally, the FSC is exploring whether resources will be available to bring on contract support to overcome the challenges that 508 presents.

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

### **Federal Student Aid**

- [Application Volume Reports](#)
- [Title IV Program Volume by School](#)
- [Federal Student Loan Portfolio](#)
- [Closed Schools Monthly Reports](#)
- [Default Rates](#)
- [Heightened Cash Monitoring](#)
- [FFEL Program Lender and guaranty agency reports](#)
- [School Fine Report](#)

### **Office of Elementary and Secondary Education**

- Office of Academic Improvement
  - [Advanced Placement Test Fee Program](#)
  - [Alaska Native Education](#)
  - [Innovative Approaches To Literacy Programs](#)
  - [Javits Gifted and Talented Education](#)
  - [Turnaround School Leaders Program](#)
- Office of Early Learning
  - [Preschool Development Grants](#)
- Office of Migrant Education
  - [College Assistance Migrant Program \(CAMP\)](#)
  - [High School Equivalency Program \(HEP\)](#)
- Office of Safe and Healthy Students
  - [Carol M. White Physical Education Program \(Discretionary Grants\)](#)
  - [Elementary and Secondary School Counseling Discretionary Grants \(Discretionary Grants\)](#)
- Office of School Support and Rural Programs
  - [Comprehensive Centers Program -TRF's](#)
  - [State Flexibility Authority Program](#)
- Office of State Support
  - [Enhanced Assessment Grants](#)
  - [Improving Teacher Quality State Formula Grants\(Title II\)](#)
  - [ESEA State Flexibility Waivers](#)
  - [Equitable Access to Excellent Educators](#)

### **Office for Civil Rights**

- [z-index-links-list-fy16](#)
- [2015-16-crdc-overview-changes-data-elements.pdf](#)
- [2015-16-crdc-data-elements.pdf](#)
- [t9-rel-exempt/z-index-links-list-2009-2016.html](#)
- [CRDC2013-14-first-look.pdf](#)
- [dcl-know-rights-201607-504.pdf](#)
- [dcl-know-rights-201607-504.pdf](#)
- [religion](#)



- [lgbt](#)
- [t9-rel-exempt/z-index-links-list-pre-2009.html](#)
- [intro-to-civil-rights-data-collection.pdf](#)
- [crdc-2015-16-lea-form.pdf](#)
- [crdc-2015-16-all-schools-form.pdf](#)
- [crdc-2011-12-factsheet.html](#)
- [crdc-2011-12-factsheet](#)

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

ED continues to use various venues to notify the public of important events and will provide information updates online on the web. Examples include, but are not limited to, the following:

- Electronic newsletters @ <http://www.ed.gov/>
- ED.gov Blog @ <http://www.ed.gov/>
- Media releases @ <http://www.ed.gov/>
- Twitter @ <https://twitter.com/usedgov>
- Facebook @ <https://www.facebook.com/ED.gov>
- YouTube @ <http://www.youtube.com/user/usedgov>

## B. Other Initiatives

7. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

ED has begun to use web analytics as a way to assess the effectiveness of our website and to better understand what is of interest to our visitors.

## Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's **FOIA Memorandum** was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

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

### A. Making Material Posted Online More Useful

1. 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.

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

ED's Office for Civil Rights (OCR) enhanced their program web page to improve its usability. Information has been organized in a simple, concise and structured manner.

The addition of their Twitter handle streaming on the page provides updates in an expeditious method. Lastly, information is now being offered in multiple languages. OCR's homepage can be found here: <https://www2.ed.gov/about/offices/list/ocr/index.html>

3. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

Yes. The staff from the FSC routinely communicates with the Office of the Chief Information Officer, webmasters, and the Assistive Technology Team in order to identify if there are any new ways to post agency information online.

## **B. Use of Technology to Facilitate Processing of Requests**

4. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools?

Although ED has had the same case management system for an extended period of time, training is provided to the application end-users as the system is upgraded annually. Also, numerous members of ED's FOIA community attended the Annual FOIAXpress Users Group Conference.

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? If yes please describe:

- The technological improvements being made.
- The impact of using these technologies on your agency's request processing.

Yes. ED is continuing to utilize a robust E-Discovery tool to improve its record search capabilities. SharePoint is also being employed more into our FOIA process to take advantage of its functionalities for cases assigned to multiple program offices.

Also, Federal Student Aid (FSA) is currently rolling out the FOIA Integrity Management System (FIMS) for enterprise-wide deployment. The software was developed in collaboration with FSA's Business Transformation Team and Technology Office.

The system, which will connect to ED's Department-wide FOIA tracking system, was developed to automate and improve the internal processing of FSA FOIA requests. Among the specific process improvements is an increased ability to track the real-time progress of request fulfillment across the agency and regions, improved documentation of search terms used, more accurate reporting on the efforts of FSA personnel to prepare response documents, and an enhanced ability to search and leverage prior FOIA responses.

6. Are there additional tools that could be utilized by your agency to create further efficiencies?

ED is in the final stages of moving our case management system into a hosted environment. The benefits to this change include increased running speed for faster performance, and greater ease of implementing configuration changes which means less downtime for end-users.

### C. Other Initiatives

7. Did your agency successfully post all four quarterly reports for Fiscal Year 2016?

Yes.

8. 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 2017.

N/A

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

The President's [FOIA Memorandum](#) and the DOJ's [2009 FOIA Guidelines](#) have 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 2016 Annual FOIA Report and, when applicable, your agency's 2015 Annual FOIA Report.*

### A. Simple Track

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

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

Yes.

2. If so, for your agency overall in Fiscal Year 2016, was the average number of days to process simple requests twenty working days or fewer?

Yes. Our processing time for simple requests for Fiscal Year 2016 was 7.8 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.

Forty-Two percent (42%) of the 2,307 requests processed in Fiscal Year 2016 were placed in the simple track.

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

N/A

## **B. Backlogs**

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

## **BACKLOGGED REQUESTS**

5. If your agency had a backlog of requests at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog.

No, the backlog didn't decrease compared with the backlog at the end of Fiscal Year 2015. Our backlog increased from 265 requests in Fiscal Year 2015 to 381 requests in Fiscal Year 2016.

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

ED experienced multiple contributing factors during this reporting period, the number of new requests (2,445 requests) was the highest volume ever received. Second, the Department launched a new security patch onto the network that disabled major functions within our FOIA tracking system, which led to many members of ED's FOIA community being unable to process requests for extended periods of time. Third, the FSC, and other program offices, experienced a loss of staff. Finally, there were program offices that transferred FOIA duties within their office which created transitional periods that impacted the productivity of these programs.

7. 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 2016.

Of the total number of requests received this past fiscal year, 16% of requests made up the backlog.

## BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce backlog.

At the close of Fiscal Year 2016, ED's backlog decreased by 45%. ED's backlog decreased from 69 open appeals in Fiscal Year 2015 to 38 open appeals in Fiscal Year 2016.

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

N/A

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

Of the total number of appeals received this past fiscal year, 40% of requests made up the backlog.

## C. Backlog Reduction Plans

11. In the 2016 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2015 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year?

If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2016?

N/A

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2016, what is your agency's plan to reduce this backlog during Fiscal Year 2017?

N/A

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

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

#### **TEN OLDEST REQUESTS**

13. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

No. ED was unable to close the ten (10) oldest requests.

14. 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 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Four (4) of ED's 10 oldest requests were closed by the end of the fiscal year.

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

None of the four (4) cases were closed due to the requester withdrawing the request.

#### **TEN OLDEST APPEALS**

16. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

No. ED was unable to close the ten (10) oldest appeals.

17. 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 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Six (6) of ED's 10 oldest appeals were closed by the end of the fiscal year.

## **TEN OLDEST CONSULTATIONS**

18. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

N/A

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

ED didn't have any consultations during this reporting period.

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

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.

In regards to the ten oldest requests and appeals, the biggest obstacles ED faced in getting them closed was due to limited resources, and to the complex, voluminous nature of the responsive records.

21. 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

22. 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 2017.

In addition to the contract support that ED has acquired to assist with processing the ten oldest requests and appeals, the FSC intends to meet regularly throughout Fiscal Year 2017 with the assigned program offices.

## F. Interim Responses

23. Does your agency have a system in place to provide interim responses to requesters when appropriate? See *OIP Guidance*, “[The Importance of Good Communication with FOIA Requesters.](#)” (Mar. 1, 2010)

Yes. Providing interim responses is a standard practice with ED’s FOIA program.

24. If your agency had a backlog in Fiscal Year 2016, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Of the 381 cases in our backlog, interim responses were provided in approximately 35% of the cases.

## Success Stories

Out of all the activities undertaken by your agency since March 2016 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, these agency [success stories](#) will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

### Appeals Processing

ED is committed to promoting transparency by actively taking steps that will increase and improve access to information.

A case in point was in Fiscal Year 2015 when ED’s review of the FOIA appeals process took place, which resulted in the FSC creating a more efficient workflow process for the Department. In addition to a more streamlined approach in making appeal determinations, improved communications and facilitations about the appeals backlog was achieved through regularly scheduled meetings and reporting. As a result of this effort, ED was able to reduce the overall FOIA appeals backlog by 15%.

In furtherance of our commitment, the reduction trend continued into the 2016 reporting period as ED was able to achieve a 44% backlog reduction. Due to the dedication and efforts expended by the FSC, OGC, and various program offices, the number of appeals processed doubled from the previous year. ED closed 63 appeals in Fiscal Year 2015 and was able to close 128 appeals in Fiscal Year 2016. There were 73 pending appeals at the end of Fiscal Year 2015 and 41 pending at the end of Fiscal Year 2016 resulting in a 44% reduction.



## **FOIA Program Self-Assessment**

In addition, during this reporting period, ED took the following steps to measure the efficiency of our FOIA operations and to ensure that the requirements under the FOIA are being met.

- Our FOIA policy directive in conjunction with the standard operating procedures were thoroughly reviewed and updated so they are in line with the recent changes cited under the FOIA Improvement Act of 2016.
- A Quality Control (QC) Plan was implemented. The focus of the QC Plan was to identify deficiencies within case processing for Fiscal Year 2015 and adherence to FOIA processing requirements of ED's FOIA program.
- Through regular metrics and dashboards, the FOIA program maintained regular interaction with ED Senior Officials.
- FSC deployed DOJ's FOIA e-Learning Module for FOIA Professionals through ED's training platform, and approximately 95% of ED's FOIA community completed the training.

Finally, ED is committed to transparency by continuing to analyze our existing FOIA practices for purposes of using this information to improve the agency's overall efficiency and effectiveness in administering the FOIA program.