



United States Department of Commerce
Chief FOIA Officer Report

Fiscal Year 2021



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DOC Components/FOIA Offices

BEA	Bureau of Economic Analysis
BIS	Bureau of Industry and Security
Census	Bureau of the Census
DOC	Department of Commerce
EDA	Economic Development Administration
InfoLaw	Information Law (Office of General Counsel)
IOS	Immediate Office of the Secretary
ITA	International Trade Administration
MBDA	Minority Business Development Agency
NIST	National Institute of Standards and Technology
NOAA	National Oceanic and Atmospheric Administration
NTIA	National Telecommunications and Information Administration
NTIS	National Technical Information Service
OIG	Office of Inspector General
OS	Office of the Secretary
OUSEA	Office of the Under Secretary for Economic Affairs
USPTO/PTO	United States Patent and Trade Office



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Section I: 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 the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at this level?

Yes.

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

Jennifer Goode, PhD, Acting Chief Privacy Officer and Director of Open Government

B. FOIA Training

3. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

The DOC ensured proper FOIA training was offered to agency personnel via virtual training, web applications, online training modules and training courses, broad based conferences, conference calls and FOIA Council meetings, and various platforms. Additional efforts included one-on-one personalized training offered to every new FOIA professional, FOIAonline tutorials for new users, and the individual FOIA overviews given to new SES appointees.

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

Yes.

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

Specific training attended by DOC FOIA professionals include:

- **Department of Justice/Office of Privacy (DOJ/OIP) training modules via the Commerce Learning Center (CLC).**
- **Annual FOIA Report Training – Statutory Requirements, Overview of Process and General Guidance, Section-by-Section Overview of the Annual Report, Tips and Tricks and instructions for submitting the report to OIP.**
- **Chief FOIA Officer Report Training - Guidelines for 2021 Chief FOIA Officer Reports, Summary of Agency Chief FOIA Officer Report for 2020 and the Assessment of Agency Progress in FOIA Administration with OIP Guidance for Further Improvement.**
- **Intro to FOIA Virtual Training – overview of the initial process of a FOIA request from receipt by the agency to the final response to the requester to include a broad overview of each FOIA exemption.**
- **The Freedom of Information Act for Attorneys and Access Professionals – comprehensive overview of the FOIA, including, FOIA’s procedural requirements; FOIA exemptions; processing FOIA Requests; relationship between FOIA and the Privacy Act.**
- **FOIA Best Practices - information on how to greater utilize technology for FOIA and how best to implement best practices to improve their overall FOIA administration.**
- **Exemption 1 - overview of Executive Order 13526 and the withholding of classified national security information.**
- **Exemption 4 – overview of the requirements for imposing Exemption 4 to protect trade secrets, certain commercial and financial information, and the submitter-notice process for exemption determinations.**
- **Exemption 5 -- overview and requirements for imposing Exemption 5 to protect inter-agency or intra-agency communications, which would not be available by law to a party other than an agency in litigation with the agency.**
- **Exemption 7 -- overview of the FOIA’s primary exemption for law enforcement records, including this exemption’s threshold requirement and substantive subparts.**



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- **FOIA Fee Waiver** – overview of the FOIA’s fee and fee waiver provisions.
- **Privacy Considerations Workshop** – overview of FOIA’s privacy exemptions and the Privacy Act, including the interface between both acts and an overview of Exemptions 6 and 7(c).
- **FOIA Litigation Workshop** – FOIA litigation issues, including guidance on successful litigation strategy, advanced litigation considerations, and details on the preparation of Vaughn indices and declarations.
- **FOIA Continuing Education** – current topics in FOIA administration, including an update on legal and policy developments, as well as an overview of recent FOIA court decisions.

American Society for Access Professionals:

- **Annual National Training Conference** – combined fundamental training topics issues associated with FOIA and Privacy Act processing, and records management. Breakout sessions provided individual agency participants a unique opportunity for questions and answers as they pertain to their own agency policies, bringing together their supervisors and employees from different offices to achieve face-to-face communication and understanding.
- **“Food for Thought” Training** – Supreme Court of the United States and Exemption 5: Deliberative Process Privilege and case law development.
- **DOJ “AI and FOIA” training** – Artificial Intelligence topics, including eDiscovery tools for litigation.

Department of Commerce:

- **Office 365 Encryption Training** – participants learned how to send encrypted email messages in response to FOIA requests.
- **DOC FOIAonline** – training focused on FOIAonline system use and new improvements to the system.
- **“Freedom of Information Act (FOIA) Training for Professionals”** via the DOC CLC.
- **Relativity Training** – the use of the Relativity platform, an electronic discovery software platform that allows users to efficiently search, review, consult, and redact records all in one program. Training included using the search features, coding of documents, redacting of documents and reporting features.



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Other:

- **Hot Topics in FOIA Litigation (DC Bar) - continuing legal education course, offered by the DC Bar Association, provided attendees with an exploration of recent developments in FOIA litigation from panel of practitioners from inside and outside the government.**

Specific training conducted by DOC FOIA professionals include:

- **The Census FOIA Office conducted trainings for Census headquarters personnel who either support or provide information in response to FOIA requests throughout the year. The FOIA Office also conducted multiple trainings to regional management and decennial census staff on FOIA and the Privacy Act. FOIA 101 for Regional Managers and Master FOIA Training for Supervisors and Managers, focused on the roles and responsibilities of managers and Census staff as it pertains to the FOIA.**
- **The ITA FOIA professionals conducted five (5) trainings: 1) Industry and Analysis Autos and 232 Training on search adequacy, exemptions overview, and redaction guidance; 2) Office of Chief of Financial and Administrative Officer, Management Operations Team Lead training focusing on the purpose of FOIA, performing searches redaction guidance, and internal processing procedures for ITA; 3) Enforcement and Compliance Business Unit Training focusing on the purpose of FOIA, performing searches, redaction guidance, and internal processing procedures; 4) Global Markets Business Unit Training focusing on the purpose of FOIA, performing searches, redaction guidance, and internal processing procedures; and 5) Global Markets Business Unit Training focusing on the purpose of FOIA, performing searches, redaction guidance, and internal processing procedures. Additionally, The ITA FOIA Team conducted training related to processing, redacting, and general FOIA guidance” throughout ITA. Examples include training on the use of Adobe Acrobat to perform E-redactions.**
- **The NIST arranged a customized FOIA training with DOJ to cover a myriad of topics. NIST also extended training to all offices within the bureau for cross functional training to help engage stakeholders. This training consisted of information of the following: searching for and reviewing documents; (b)(4) Submitter Notification process; and on (b)(5) subparts, (as this is what is often used) foreseeable harm.**
- **NOAA FOIA professionals conducted one-on-one trainings, such as the personalized training offered to every new FOIA professional, FOIAonline tutorials for new users, and the individual FOIA overviews given to new SES appointees. NOAA also continued to conduct its monthly FOIA Legal Experts call, with both FOIA Professionals and NOAA General Counsel participating in a regular training on new FOIA case law, Departmental policies, FOIA regulations, and new considerations in FOIA statutory authority. FOIA**



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Professionals and NOAA staff also continued to receive the online FOIA training utilizing the DOJ Training modules that NOAA requested from DOJ/OIP, and subsequently submitted to the CLC. Those modules are now recognized CLC courses available online for all DOC employees. Lastly, NOAA continued conducting virtual FOIA and Privacy Roundtable meetings for FOIA and Privacy Professionals, highlighting specific issues that they have come across within their Line Office. The Line Office hosts the event, which is conducted by NOAA GC and the NOAA FOIA Officer. This allows for direct dialogue with FOIA leadership and FOIA professionals in the region who handle unique records with individualized FOIA and Privacy scenarios.

- The DOC FOIA Office conducted various training sessions for the e-discovery tool that consisted of training to Political appointees, DOC staff, attorneys, and analyst on the use of the Relativity platform. Relativity is an electronic discovery software platform that allows users to efficiently search, review, consult, and redact records all in one program. Training included using the search features, coding of documents, redacting of documents and reporting features. The DOC also coordinated training on the FOIA tracking system FOIAonline, for all FOIA Officers and Information Specialist/Analysts.

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

An estimated average of 87.5% of DOC FOIA professionals attended substantive FOIA training during the 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.

Not Applicable

C. Outreach

8. 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, the DOC FOIA professionals engaged in regular outreach and/or dialogue with the requester community or open government groups regarding our administration of the FOIA.

This included outreach and assistance to requesters in perfecting requests as well as regular dialogue with the requesters regarding pending and backlogged requests.

Examples of such are as follows:

- **The BEA FOIA professionals continued with developments of a new FOIA website which improves online outreach to the requester and open government community, improving the availability of information regarding BEA’s administration of FOIA**
- **The BIS FOIA liaisons proactively engaged with requesters and assisted them with records that could be both releasable and helpful to the requesters, which could lighten the agency’s burden and shorten agency processing time. For example, BIS FOIA liaisons often offered the requester our aggregate export license reports which are fully releasable, in exchange to request seeking copies of export licenses which are fully protected under the b3 provision.**
- **Census FOIA professionals proactively reached out to frequent requesters in FY20 to ensure that requesters were receiving the information they needed in an efficient manner during the pandemic. Through proactive outreach, Census discovered the need to update information on its FOIA main page regarding sending requests via mail and email.**
- **The IOS staff engaged in continuous outreach and dialogue with the requestor community during the fiscal year. The staff reached out to requesters to clarify, narrow, and understand a wide range of record and information requests. For example, engaging in conversations that conclude a more streamlined timeframe so that the requester does not receive pages of information they do not need. Staff engage in communications with requesters by sending receipts of their requests and status updates as to what stage their request is in the process. In addition, the e-discovery system, “Relativity”, continues to all FOIA professionals to complete faster email searches to provide interim responses from complex requests.**
- **The ITA FOIA Staff maintained constant dialogue with the requestor community throughout the regular course of business regarding how ITA administrates the FOIA. Outreach and assisting requesters in perfecting their requests is just one aspect of ITA’s collaborative efforts. In addition, the ITA FOIA Staff reached out to several requesters to clarify requests and assists requesters in receiving responses faster. ITA FOIA Staff performs this on a regular basis.**
- **The NOAA focused efforts to increase disclosure, and to decrease a duplication of efforts and overlapping request scopes for Hurricane Dorian related requests. NOAA engaged with the requester community extensively in organizing mass disclosure**



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postings through the reading room. This required broad-based scoping discussions, multi-requester cover-letters to encompass the broadest of the relevant FOIA requests, and timing notifications to ensure that any release to one requester was simultaneously made across a broad base of similarly situated FOIA requesters and coordinated release publication so that no one individual requester was disadvantaged in receiving these records of significant public interest.

- The NTIA maintained regular dialogue with its requesters regarding pending requests, which include discussions on ways to improve the process and experience.
- The OIG participated in an informal working group consisting of FOIA professionals within other federal agency OIGs to discuss FOIA developments. The OIG generally defers to the DOC to conduct outreach efforts on behalf of the entire DOC. The OIG reached out to individual requesters on a regular basis and provided updates as appropriate.
- The PTO did not engage in any specific outreach programming because the FOIA Office generally receives a relatively small number of requests each year from frequent requesters. As a result, PTO has been able to maintain good communications with the requester community through discussions relating to specific requests and appeals. PTO also regularly attends the American Society of Access Professionals (ASAP) National Training Conference which affords opportunities to speak to various members of the requester community either face to face or during panel discussions.

D. Other Initiatives

9. 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.

DOC FOIA Offices continue to engage with non-FOIA professionals, emphasizing open communication and transparency to ensure compliance with applicable laws, regulations, and obligations. FOIA professionals work with non-FOIA professionals from program offices, program staff, senior managers, line offices, and regional offices on an ongoing basis to inform them of their obligations under the FOIA. FOIA professionals relay the importance of FOIA, open government and transparency through memoranda and FOIA updates communicated to agency staff when tasking requests for fee estimates or record searches. Individual formal FOIA training was also provided to non-FOIA professionals on a needed basis, and FOIA staff were available to answer questions. In addition, contact information for FOIA professionals is provided in outgoing FOIA assignment and tasking memoranda.

Additional outreach to non-FOIA staff include:

- **The BEA collaborated with non-FOIA professionals to inform them of their obligations under the FOIA. BEA implemented this via one-on-ones and a their new FOIA manual and policy. BEA is also developing a revised Intranet site, which will educate all staff about their obligations under the FOIA.**
- **The BIS FOIA professionals provide both reading materials for FOIA processing training and hands-on reviewing exercises to non-FOIA professionals. BIS provides training to any new employees or contractors who has the need to process a FOIA request.**
- **The Census FOIA staff offers in classroom training at least twice a year that is open to the entire Census Bureau. FOIA staff provide training specifically for Census managers to help them better understand the role of FOIA and their responsibilities as managers when it comes to responding to inquiries in their program areas. Census also offers training to support staff or to anyone who is interested in the FOIA.**
- **On a regular basis, the EDA Chief FOIA Officer emphasizes the importance of FOIA to non-FOIA professionals through memorandums and FOIA updates communicated to the agency's staff when fanning out a request. Additionally, new employees are provided ad hoc training to understand their FOIA responsibilities.**
- **The IOS staff efforts to inform non-FOIA professionals of their obligations under the FOIA includes regularly emphasizing that FOIA is everyone's responsibility. Staff responds to questions from office unit and program staff. IOS offers specialized one-on-one training for new employees and existing employees regarding their individual responsibilities under the FOIA.**
- **The ITA remains available to answer questions from program staff, and routinely lists telephone contact information on its correspondence to program areas. ITA emphasizes open communication and transparency to ensure compliance with the applicable laws and obligations. ITA also communicates FOIA program updates to ITA staff through frequent communication via their internal newsletter "News You Can Use." Additionally, ITA FOIA Staff conducts in-person one-on-one guidance.**
- **The NIST conducts training to operating unit stakeholders on a regular basis (although Covid-19 has impacted these endeavors greatly in FY20). The NIST FOIA Officer worked with DOJ to provide a sweeping overview of the FOIA process to non FOIA**



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- professionals at NIST in September of 2020. In training sessions and when discussing specific requests, the NIST FOIA Office emphasizes the importance of openness as a factor to consider when reviewing records. In addition, the FOIA Office and the NIST Office of the Chief Counsel carefully review all suggested withholdings, placing a priority on the presumption of openness, and consider the foreseeable harm prior to making a final determination to withhold records or information.
- **The NOAA roundtable events in the region involve FOIA professionals, IT Specialists, Privacy Professionals, and GC staff. The Roundtable events allow FOIA professionals, record custodians, subject matter experts, IT professionals, and legal counsel to discuss improvement areas with region-specific FOIA issues that have arisen in processing. The NOAA FOIA Officer presented to management the benefits of FOIA-related performance standards in employee work plans. The majority of NOAA’s FOIA administration staff has FOIA included in their performance standards, including NOAA’s FOIA liaisons, FOIA professionals, and NOAA’s FOIA Officer.**
 - **NTIA conducted training throughout the year as a part of a concerted effort to assist NTIA employees in understanding their roles and responsibilities under FOIA. In addition, NTIA attorneys provide information to NTIA staff regarding their FOIA obligations. Also, each request for fee estimate or search includes detailed instructions regarding how to conduct a proper fee estimate or search. On a case-by-case basis, FOIA training materials are provided to new staff or those that are seeking information regarding their FOIA obligations. In FY20, NTIA focused on training new NTIA employees regarding their FOIA obligations. These training sessions were held virtually using a slide presentation and discussion format. Also, NTIA provides and regularly updates a FOIA Q&A posted on NTIA’s intranet. NTIA attorneys also regularly answer questions regarding FOIA and provide assistance.**
 - **The NTIS continues to utilize the Department’s CLD training on FOIA. The agency’s internal FOIA webpage and public FOIA webpage provide information for employees who are not FOIA professionals, but who may need to provide records in response to a FOIA request or are otherwise interested in the FOIA process. Non-formal training: All FOIA request that requires agency-wide review is routed to all Senior Staff members, and to the Federal Employee Union.**
 - **The Information Law Division of the DOC General Counsel provided guidance on the interpretation of FOIA and answered questions regarding duties and responsibilities with regards to FOIA.**
 - **The OUSEA Non-FOIA professionals are informed during the onboarding process, internal training sessions and on an as-needed basis when key staff are assigned to teams working on FOIA requests. Non-FOIA professionals are provided with briefings, presentations and formal guidance and procedures from the FOIA Officer.**

- **The USPTO FOIA Office have conducted training sessions for the Regional Offices of the USPTO and we have conducted Q&A panels for various groups within the agency. Additionally, the agency has ensured that each major business unit has a FOIA Coordinator who assists the FOIA Office in ensuring that non-FOIA professionals understand their obligations. Moreover, in FY20 the USPTO FOIA Office hosted a FOIA Coordinators meeting. In FY 2020, briefings were provided to several business units including Procurement and Trademarks, during “Ask OGL” anything sessions, and special briefings were prepared and delivered for new leadership.**
10. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. Examples of other initiatives undertaken by DOC to ensure that the presumption of openness is being applied include:
- **The presumption of openness is built into the BEA’s mission as a Principle Federal Statistical Agency, and as a matter of practice all information of common value is available subject to applicable laws.**
 - **Census posted many materials and information regarding 2020 Census operations and information on COVID-19.**
 - **The EDA continues to provide for joint Chief Counsel and Regional Counsel review of all items flagged for redaction or withholding under FOIA exemptions, with an emphasis on the presumption of openness.**
 - **The OS analysts continue to emphasize and ensure that the presumption of openness is being applied in the FOIA program. When reviewing documents for disclosure the staff will relate to the office units that make discretionary releases of information where possible. In addition, the IOS staff continues to be provide a proactive openness policy with respect to agency records and informational material made available to the public through its website. For example, IOS posts Secretary of Commerce Calendar on and provides links to departmental bureaus for frequently requested information.**
 - **The ITA regularly provides guidance to program staff on the FOIA including the presumption of openness and conducting foreseeable harm reviews. ITA FOIA Staff consistently works with the business units to ensure they are segregating information where possible reminding them of the presumption of openness. ITA FOIA Staff is working with Chief Information Officer (CIO)/Technology Services and Innovation (TSI) to implement e-discovery tools to allow for more efficient processing, which in turn will lead to a greater presumption of openness. ITA FOIA Staff maintains an index for templates to ensure greater efficiency when drafting responses to requesters.**



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- The NOAA issued guidance to all FOIA coordinators and liaisons regarding the presumption of openness to continue implementing the post-Argus framework for reviewing confidential information and sending submitter notices pursuant to 15 CFR 4.9, when the confidential information is sought by FOIA requesters as it relates to applying Exemption (b)(4) following the Supreme Court decision in *Argus (Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019)). (<https://www.justice.gov/oip/exemption-4-after-supreme-courts-ruling-food-marketing-institute-v-argus-leader-media>).
- The NTIA continues to have a proactive openness policy with respect to agency records and informational material made available to the public through its website and social media, including blogs and press releases. For example, NTIA works diligently to post grants, contracts, other agreements, reports, key correspondence, advisory committee minutes, speeches, congressional testimony, public notices and other regulatory matters, and comments in Federal Communications Commission proceedings. As another example, NTIA has received a lot of requests regarding its analysis regarding GPS interference. As a result, in part, NTIA moved to release to the public this work in an accessible format. See, NTIA Technical Report TR-21-551, <https://www.its.bldrdoc.gov/publications/details.aspx?pub=3254/>
- The OIG adheres to public posting requirements under The Inspector General Act, as amended, for OIG products. OIG audit, evaluation, and certain other products and correspondence receive a public release review and are proactively made publicly available on the OIG website, as appropriate, under the terms of FOIA. <https://www.oig.doc.gov/Pages/default.aspx/>
- A presumption of openness is built into OUSEA’s mission as it provides policy direction and oversight to two key Principle Federal Statistical Agencies – U.S. Census Bureau and the Bureau of Economic Analysis, and as a matter of practice all information of common value is available subject to applicable laws.
- The USPTO continues to proactively release records of interest such as government contracts (following review by submitters), notices of suit, judicial decisions of interest, and data points related to patents and trademarks. Available at: http://www.uspto.gov/ip/boards/foia_rr/index.jsp . Finally, the USPTO FOIA Office always highlights the presumption of openness in its training materials and training presentations for Business Units and individual employees. In FY 2020, the USPTO FOIA website was updated to include FOIA logs and a section with “Frequently Asked Questions” pertaining to FOIA. The FOIA Office analysts continue to emphasize and ensure that the presumption of openness is being applied in the FOIA program. When reviewing documents for disclosure the staff will relate to the office units to make discretionary releases of information where possible. They regularly brief new leadership, new FOIA Coordinators, and the various business units about the presumption of openness and the requirements under the FOIA.



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- **The DOC FOIA Office continues to provide compliance and operational oversight for administration of the FOIA with emphasis on ensuring the presumption of openness is applied.**

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 2020, 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 2020 Annual FOIA Report.

The average number of days for DOC to adjudicate an expedited request in FY 2020 was 28.87%.

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 2020 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.

The DOC FOIA office will continue to conduct outreach to the BOU FOIA Officers to emphasize the importance of adjudicating expedited processing in fewer than 10 calendar days. The days to adjudicate requests for expedited processing will be monitored via weekly reporting through the fiscal year to ensure that it is being reduced over time. In addition, BOUs will be prioritizing expedited processing requests, adding additional resources, monitoring requests submitted via FOIAonline routinely, revising internal timelines and using automated reminders.

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 or raw data, using active workflows and track management, reviewing and updating processing procedures, etc.



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Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

Yes, the DOC continues to conduct self-assessments of the FOIA program. The methods used included review of Annual Report data, quarterly metrics, raw data, workflows and track management, and analysis of monthly and weekly report data to identify processes which may be streamlined to improve quality and timeliness of processing. DOC continued to engage senior management to emphasize the importance of FOIA to DOC and BOUs. DOC also added staff, such as temporary staff on detail or contractors. DOC used OIP resources. Additionally, DOC created an Annual Report tips tool.

- **The BIS tracked the information necessary for each request throughout the fiscal year so that the information could be easily compiled at the end of the year. Before submitting its complete report to DOC, BIS reviewed and compared the data in the FOIAonline Annual Report Tool to ensure that BOUs are listed correctly and consistently with past years and makes corrections needed to remove any discrepancies.**
- **FOIA staff at Census conducted a systematic review of FOIA processes to identify efficiencies that could be implemented to streamline FOIA processing. Several processes were altered to increase efficiency and we are exploring possible software to help decrease case time associated with processing duplicate pages of responsive documents.**
- **During the reporting period, EDA conducted a self-assessment of its FOIA program with a continual emphasis on proactive disclosures. EDA reviewed the FOIA requests received in the last year to determine the relative frequency of requests and whether any such requests should be added to the FOIA Reading Room.**
- **The ITA maintains a team of contractors and other experts to strategize backlog reduction, conduct an inventory of existing requests, improve processes, and develop Standard Operating Procedures (SOP) to assist the bureau in improving its FOIA program. ITA developed its first fully encompassing SOP that covers the FOIA program from exemptions, revisions, references, ITA responsibilities, communication, procedures/processes, fees, reporting requirements, records, etc. ITA works on updating its SOP throughout the reporting period, as it finds ways to continuously improve the process and make it more efficient.**
- **The NIST FOIA Office holds monthly meetings to assess progress and any management issues with processing requests. NIST also holds regular meetings among the FOIA Officer and FOIA staff to discuss program inefficiencies and remediations. FOIA staff often team**

up for large and complex requests. NIST conducts quarterly reports to gauge status on oldest requests as well as other aspects of the FOIA program.

- During FY20 program weaknesses were identified, as were Line Offices that had increased backlogs, slower response times, or surges in incoming FOIA requests that required additional attention. Designated trained personnel resources were limited which caused backlog to spike at the beginning of FY20. NOAA FOIA recommended additional staffing and tiger-team processing methodologies to leadership to resolve the resource deficiency. Leadership agreed with the approaches, and additional resources were solicited in a job posting to assist with backlog within NOAA Staff and Line Offices. Through the significant efforts of the FOIA Liaisons throughout the Staff and Line Offices--and the additional FOIA resources at the NOAA level--NOAA decreased its backlog approximately 12% year-over-year. This accomplishment speaks to NOAA's capability to continue FOIA processing in a remote processing environment. Additionally, this represents a noteworthy return on investment for the additional FOIA resources NOAA has dedicated to supporting the FOIA program and illustrates NOAA's commitment to FOIA compliance and transparency.
- The NTIA attorneys with significant FOIA responsibilities met regularly and as needed to discuss individual cases, case load, workflow, and ways to improve NTIA's FOIA processing.
- The NTIS continuously reviewed the Annual and Quarterly Reports and raw data; attended FOIA council meetings for focus, training, and advice to seek recommendations from the Commerce BOU FOIA office and the Office of the General Council when necessary.
- The USPTO FOIA Office used its FOIA management and tracking computer program (FOIA Express) to monitor workflow, better manage the number of requests each FOIA specialist had to process, and to identify emerging processing challenges, particularly considering the challenges presented by Covid-19 schedule and workload changes. The USPTO FOIA Office also looked at the previous Annual Report to compare numbers and statistics to evaluate trends to improve processing efficiency. Finally, the USPTO FOIA Office holds regular staff meetings to identify issues and highlight and disseminate best practices.
- The DOC continues improvements to include monthly reviews of BOU ten oldest requests, as identified in the FY 2020 Annual FOIA Report, and initially, FOIA requests that have been backlogged for more than 90 days. Additional periodic meetings and assessments of DOC FOIA programs were conducted to identify areas of concern that may lead to processing delays for requests. Assessments included discussions of ways to address problem areas that may have been discovered. Another objective is to identify ways that DOC might assist a BOU with its FOIA program, if or when needed. Meetings also usually included discussions of individual cases, case load, workflow, and suggestions for process



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improvements. DOC implemented a new e-discovery tool that is helping the search and review process by lowering the number of responsive documents as it pulls out the duplicate responsive documents and allows for quicker processing and responding. DOC holds FOIA monthly council meetings that include discussions of best practices or methods.

4. Standard Operating Procedures (SOPs): Having SOPs can improve the consistency and quality of an agency's FOIA process. In addition, describing an agency's standard practices for handling FOIA requests on agency FOIA websites can help requesters better understand how their request will be handled.

- a) Does your agency have SOPs that outline general processes for handling FOIA requests and appeals?

Yes.

- b) If not, does your agency have plans to create FOIA SOPs?

Not Applicable

- c) If yes, how often are they reviewed/updated to account for changes in law, best practices, and technology?

The DOC, as well as its BOUS, regularly reviews and updates changes in the law, best practices, and emerging technology for FOIA processing. Additionally, the BOUs have their own review/update schedules that vary from quarterly, annually and on an ad hoc basis.

- d) In addition to having SOPs, does your agency post or otherwise describe your standard processes for handling requests on your website?

Yes. DOC SOPs are posted at our website at

[https://osec.doc.gov/opog/FOIA/Documents/DOC FOIA Reference Guide final version 1.0 2017-08-25.pdf](https://osec.doc.gov/opog/FOIA/Documents/DOC%20FOIA%20Reference%20Guide%20final%20version%201.0%202017-08-25.pdf). Additionally, BOUs post SOPs on their own websites.

5. 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 2020 (please provide a total number or an estimate of the number).

Requesters sought assistant from DOC FOIA Public Liaisons approximately 30 times



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6. Does your agency frequently receive common categories of first-party requests? If so, please describe the types of requests and if your agency has explored establishing alternative means of access to these records outside of the FOIA process?

Yes, for example, across the Department and its BOUs categories of first-party requests include job applicant information, personnel information, birth certificate information, and Census survey information, and grant portfolios of EDA's grant recipients. Yes, when possible the Department and some of its BOUs have explored alternative means of accessing the records outside of the FOIA process.

7. 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. DOC updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016.

8. Please explain how your agency worked to mitigate the impact of the COVID-19 pandemic on FOIA processing. Examples could include, but are not limited to: altering workflows, implementing new technology, providing notices and instructions or otherwise communicating directly with requesters.

DOC worked to mitigate the impact of COVID-19 pandemic on FOIA processing. To support the mandatory, telework, adjustments were made as needed to workflows, staff were supplied with the proper equipment, designated personnel made regular trips to offices to pick up FOIA/PA requests received via the U.S. postal service or other means such as Fed Ex and UPS. COVID-19 increased the number of FOIAs received by some of the BOU's. Because of the pandemic, DOC added language to various correspondence, as well as communicating verbally, explaining limitations related to searching and retrieving hard copy records. We continuously maintain communication with requesters to ensure that they are satisfied with our response given the limitations of providing potentially responsive paper records. Additionally, some BOUs have altered the workflow of accepting FOIA fee payments, receiving payments via www.pay.gov or through Fedwire.

9. Optional -- Please describe:

Best practices used to ensure that DOC FOIA system operates efficiently and effectively include:

Any challenges your agency faces in this area?

DOC continually looks for best ways to ensure that our FOIA system operates efficiently and effectively. During our monthly FOIA Council meetings BOU's share with the group best



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practices that they have created to use so that the entire others can be aware and use if applicable to the unit. DOC has had a few challenges in this area that are named below.

Best Practices:

The BIS ensures all fee estimates are done within 20 days of receiving the requests. For requests that do not require a long review time (not agency record, full release, or full denial), BIS tries to complete them within 20 days, so they do not fall in the backlog category.

To ensure that EDA's FOIA system operates efficiently and effectively, the agency conducts a weekly conference call with staff responsible for managing FOIA requests to discuss various topics including FOIA. This line of communication helps ensure consistency and develops best practices in the agency's FOIA process. Additionally, EDA uploads repeat FOIA requests and responsive pages to its Reading Room.

The OS holds daily FOIA team calls to discuss goals that need to be met. Use the search tool Relativity to search top official email boxes so ensure consistency in responses and eliminate duplicate documents. Brought on two contractors to work FOIA cases and reduce backlog.

In FY18, ITA launched the Tasking and Tracking (TNT) system. The TNT system allows the ITA FOIA Staff to task out FOIA assignments, promote communication, and track the status of outstanding FOIA requests, tasks, and consultations based on the responding business units. In FY20, ITA FOIA team created and implemented updated checklists for internal use to ensure proper clearance and concurrence. ITA has also developed a follow-up correspondence template that is used to reach out to and communicate with the various ITA business units that have overdue request and referrals. ITA implemented an electronic payment acceptance process for fee remittance from requesters for all fee payments. ITA will continue to utilize the electronic process.

The NOAA expanded its reliance on Google Vault capability to increase Bureau-wide searches, and extract responsive records across large groups of employees, regions, offices, and in some cases, across all of NOAA. This allowed NOAA to carry out searches in cases where searches by individuals would be impractical or would result in onerous search times. NOAA also has established an account with Pay.Gov to allow for online payments rather than physically mailed checks for FOIA Fees.

NTIA participates in regular, almost daily, communication among NTIA/OCC staff to ensure that all FOIA cases continue to progress. NTIA also conducts a regular walk through of all outstanding cases to discuss outstanding tasks.

The OIG regularly monitors the status of open cases to ensure timely action; tracks open cases, and reviews FOIA processing procedures to ensure efficient and effective responses.

Challenges:

The BIS is facing a bottle neck for record approving authority from senior executives.

As NOAA begins to leverage the Pay.Gov payment system, lingering difficulty of dealing with physically mailed checks and requests that occasionally are not immediately retrievable remains. However, this problem is self-resolving as requesters recognize the improved processing times of electronic correspondence, payment, and request submission.

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. Provide examples of any 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.

The DOC and its bureaus proactively disclosed material during FY 2020, including records that have been requested and released three or more times. Links to these materials are listed below.

- **Census posted proactive disclosures at**
<https://www2.census.gov/programs-surveys/decennial/2020/program-management/census-research/cbams/2020-CBAMS-Survey.zip>
<https://www2.census.gov/foia/records/federal-mou-agreements.pdf>
<https://www2.census.gov/foia/records/state-mou-agreements.pdf>
https://www2.census.gov/foia/records/D-590_2020-census.pdf
<https://www2.census.gov/foia/records/cair-records-2020-01.pdf>
- **The EDA posted disclosures at** <https://www.eda.gov/foia/disclosures/>.
- **The ITA Tariff Tool system that consolidates and distills thousands of pages of U.S. Free Trade Agreement (FTA) tariff commitments down into a simple, online database is**



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published at <http://export.gov/fta/ftatarifftool/ftamain.aspx/> . ACCESS is the repository for all records filed in anti-dumping and countervailing duty (AD/CVD) proceedings. ACCESS provides the capability for registered E-Filers to submit documents to the record of an AD/CVD proceeding and allows the public to view versions of all documents submitted (available at <https://access.trade.gov/login.aspx>). The National Travel and Tourism office within ITA now posts its monthly statistics on arrival and departure information to and from the United States at <https://travel.trade.gov/research/monthly/index.asp>.

- Materials related to CARES Act grantees are posted on the MBDA Website. <https://www.mbda.gov/news/press-releases/2020/06/minority-business-development-agency-awards-10m-federal-funding-under/> .
- The NIST provides public access to scientific data through <https://data.gov> as well as a data portal on NIST's website, <https://data.nist.gov> . Publications are available within 12 months of publication through the National Institutes of Health's PubMed Central at <https://www.ncbi.nlm.nih.gov/pmc/funder/nist/> and through the Government Publishing Office's govinfo at <https://www.govinfo.gov/collection/nist> .
Data: <https://data.nist.gov> , <https://data.gov>
Code: <https://www.nist.gov/services-resources/software/> and <https://github.com/usnistgov>
Peer-reviewed publications: <https://www.ncbi.nlm.nih.gov/pmc/funder/nist/>
Agency publications: <https://www.govinfo.gov/collection/nist>
Other information: <https://www.worldcat.org/>,
<https://archive.org/details/NISTresearchlibrary> ,
<https://www.nist.gov/digitalarchives> , and <https://www.nist.gov/nist-museum/>
- Hurricane Dorian-related requests alone accounted for approximately 10% of all of NOAA's incoming FOIA requests last fiscal year. Given the significant public interest in the records consistent with the 2016 FOIA Improvement Act, NOAA responded concurrently to all Dorian-related FOIA requests with rolling interim releases of the records through the FOIA Reading Room (<https://www.noaa.gov/foia/reading-room/hurricane-dorian-related-records/foia/reading-room/hurricane-dorian-related-records>), Hurricane Dorian Related Records. Comprehensive Hurricane coverage, spanning the entire National Hurricane Data Archive. This combined expansive data trove proved indispensable, and provided the public, news media, and incident responders with a massive library of proactively disclosed material to aid in Hurricane prediction, tracking, and response during the critical Hurricane season. This data library includes the Tropical Cyclone Reports: (<http://www.nhc.noaa.gov/data/#tcr>), Tropical Cyclone Advisories (<http://www.nhc.noaa.gov/data/#advisories>), Graphical Tropical Weather Outlook (<http://www.nhc.noaa.gov/data/#gtwo>), Marine and Advisory Text Products (<http://www.nhc.noaa.gov/data/#text>), Marine Graphical Product. (<http://www.nhc.noaa.gov/data/#marine>), Best Track Data



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(<http://www.nhc.noaa.gov/data/#hurdat>), Past Track Seasonal Maps (http://www.nhc.noaa.gov/data/#tracks_all), Past Track Maps of U.S. Landfalling Major Hurricanes (http://www.nhc.noaa.gov/data/#tracks_us), Tropical Cyclone GIS Data Format (<http://www.nhc.noaa.gov/data/#gis>), Tropical Cyclone “Storm Wallet” Electronic Archive (<http://www.nhc.noaa.gov/data/#wallet>), Tropical Cyclone Monthly Summary Archive(<http://www.nhc.noaa.gov/data/#monthly>), Tropical Cyclone Annual Summaries from 1872-2006 (<http://www.nhc.noaa.gov/data/#annual>), Seasonal Outlooks (<http://www.nhc.noaa.gov/data/#outlooks>), Cyclone Climatology (<http://www.nhc.noaa.gov/data/#climo>), Forecast Verification (<http://www.nhc.noaa.gov/data/#verif>), Aircraft Reconnaissance Archive (<http://www.nhc.noaa.gov/data/>), Reports of Cyclones by Death Rate, Cost, and Intensity. (<http://www.nhc.noaa.gov/data/#extreme>), and Hurricane Histories. (<http://www.nhc.noaa.gov/data/#cphc>).

Weather and Climate Data (<http://www.ncdc.noaa.gov/>).

Coastal Data (<http://www.ncddc.noaa.gov/>)

Geophysical Data (<http://www.ngdc.noaa.gov/>).

Fisheries Data across the Alaska (<http://www.alaskafisheries.noaa.gov/>), Greater Atlantic (<http://www.greateratlantic.fisheries.noaa.gov/>), Pacific Island (<http://www.fpir.noaa.gov/>), Southeast and Caribbean Island (<http://sero.nmfs.noaa.gov/>), and West Coast (<http://www.westcoast.fisheries.noaa.gov/>) regions, as well as Program-related data, scientific research, observer program data, National Marine Mammal Laboratory information, Habitat and Ecological Process data, and International Research data. Programmatic information is routinely released regarding: Sustainable Fisheries, Protected Resources, Habitat Conservation, Science and Technology and Data Portals International Affairs and Seafood Inspection, Law Enforcement, and Aquaculture. (<http://www.nmfs.noaa.gov/>).

Nautical Charts and the NOAA Coast Survey data (<http://oceanservice.noaa.gov/facts/find-charts.html>), NOAA Tides and Currents Data from the Center for Operational Oceanographic Products and Services (<http://oceanservice.noaa.gov/facts/find-tides-currents.html>), Marine Debris (<http://oceanservice.noaa.gov/hazards/marinedebris/>) and Infographic representations (<http://oceanservice.noaa.gov/infographics/>) and Story Maps (<http://oceanservice.noaa.gov/map-stories/welcome.html>)

National Weather Service Alerts (<http://www.weather.gov/alerts>), Forecast Maps (<http://www.weather.gov/forecastmaps>), Doppler Radar National Mosaic (<http://www.weather.gov/Radar>), River, Lake, and Rainfall data (<http://water.weather.gov/ahps/>), Air Quality (<http://airquality.weather.gov/>), Satellite Images (<http://www.weather.gov/satellite>), and past weather data (<http://www.weather.gov/climate>).



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Marine and Aviation Operations Accident Investigations and Lessons Learned, including Safety News, Diving Incident Reports, Environmental Spill Reports, and Marine Investigations and Lessons Learned.

(http://www.oma.noaa.gov/accident_investigations_lessons_learned/index.html).

NOAA Research activities, including NOAA Research Laboratories, National Sea Grant College Programs, NOAA Office of Ocean Exploration and Research, NOAA Climate Program Office, Office of Weather and Air Quality, NOAA Unmanned Aircraft Systems, and NOAA Ocean Acidification Programs

(<http://research.noaa.gov/AboutUs/WhoWeAre.aspx/>).

- **Starting in FY18, the NTIA issued State and Local Implementation Grant Program 2.0 (SLIGP 2.0) Grants to 46 states and the U.S. territories to provide resources to local governments as they plan for the nationwide public safety broadband network. During FY18 through FY20, NTIA posted all grant award and agreement materials on its website including Performance Progress Reports and any subsequent Agreement Amendments at <https://www.ntia.doc.gov/slignp2/awards> . Posting the SLIGP2 records involves a concerted effort to review each document and discuss with the recipient whether the document should be posted in its entirety or redacted for business confidential and/or personal private information. This year there were 47 records posted proactively. This continues the process established with NTIA Broadband Technology Opportunity Program (BTOP) to post all grant award documents on NTIA’s website. Since 2009, NTIA has posted 1000s of grant award documents reducing NTIA’s FOIA burden significantly. NTIA also regularly posts filings, reports, speeches, testimony, Federal Register notices, and significant correspondence. See <http://www.ntia.doc.gov/publications> . In FY20, NTIA has not posted any records that had been requested through FOIA and released three or more times as required by this section.**
 - **The OIG proactively posts on its external-facing website items such as Semi-annual reports to Congress; audit, evaluation, and other reports; the OIG top management challenges report on issues facing the Department; congressional testimony, and information on current and planned activities. These materials can be found at <http://www.oig.doc.gov/Pages/default.aspx/>**
 - **The USPTO makes large numbers of records related to patents and trademarks, including applications, available through proactive disclosures. Documents filed by applicants or USPTO official actions with respect to these applications are typically filed electronically and are available to the public through means such as USPTO websites. http://www.uspto.gov/ip/boards/foia_rr/index.jsp**
2. 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. DOC is taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access our website.

- **The BEA Communications Staff regularly review a wide array of web analytics, customer feedback, and survey responses to improve web usability and information architecture.**
 - **The EDA is taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access EDA’s website, by categorizing the information and evaluating whether additional requests should be added to the Reading Room.**
 - **The NOAA aligned the FOIA Program under the Chief Data Officer, which brings the program within the Division that also handles Privacy and Open Government. This alignment of the FOIA Program within CDO has brought NOAA’s FOIA goals within the OCDO Strategic Framework for improving data accessibility and innovation through NOAA data sets. This has resulted in a renewed focus on developing cloud-based platforms for data sharing, common-data storage and access, and integration into the larger NOAA Data Strategy.**
 - **The USPTO FOIA professionals identify frequently requested records based on their knowledge about what FOIA requests have been made, including regular reviews of FOIA logs and discussions at FOIA Office meetings concerning trends and regularly requested records. In addition, USPTO FOIA professionals are engaging with business units to identify frequently requested search terms and records, to increase the efficiency and thoroughness of the search process).**
3. 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.

Examples of improvements include:

- **The Census FOIA Office not only posts frequently requested records, we now also proactively link to additional Census public facing sites that contain current information on high profile highly requested information like the 2020 Census operations, COVID-19, and population counts.**
- **Such improvements consist of using headings for the posted material so that potential requesters can easily find the information on EDA’s website before considering sending EDA a FOIA request.**



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- **Currently, ITA’s public-facing FOIA specific site provides information about the bureau and information requests. ITA’s public facing webpage ties to the Commerce Office of Privacy and Open Government (OPOG) website where requesters can access Frequently Requested Records and view System of Records Notices.**
- **MBDA is in the process of deploying a ChatBot to provide information that otherwise may be requested via the FOIA process.**
- **For many years, NIST has provided public access to narrative publications and data that result from our research. We have developed an infrastructure to support collection of metadata in an inventory and archival of the research product in machine-readable, machine-actionable format in a secure repository. We provide persistent identifiers for data, publications, authors, NIST itself, and units within NIST’s organizational structure. These persistent identifiers enable our customers to locate our information in the long term and to locate associated pieces of information for example, a paper with a DOI assigned by the publisher would also provide the authors’ ORCiDs and DOIs for data and software associated with the publication. Conversely, DOIs for associated publications would be displayed for data in our data repository. Work in research data is ongoing, and in FY20, we began an effort to apply our research data infrastructure to the administrative data that we collect.**
- **The NOAA utilizes an electronic reading room. It is referred to as the FOIA Reading Room and is an electronic reading room and reference guide that includes agency policies, staff manuals, opinions made in the adjudication of cases, and an index of records released in compliance with FOIA that are likely to become the subject of subsequent FOIA requests.**
- **The NTIA regularly uses various methods to ensure that its audience is aware of its programs and work, including regular blog posts (<https://www.ntia.doc.gov/blogs>), press releases (<https://www.ntia.doc.gov/newsroom>), and social media such as Twitter (@NTIAgov). These media tools point back to information and records posted on NTIA’s website.**
- **The OIG continually welcomes feedback on the content and presentation of posted material and regularly reviews the website to make sure that posted information is clearly presented to the public.**
- **The USPTO has made available to the public a variety of data products concerning patents and trademark data. These include bulk data products about patents and trademarks and graphical tools that provide visual displays derived from patents data.**

4. Optional -- Please describe:

Best practices used to improve proactive disclosures

Any challenges your agency faces in this area

Best Practices and Challenges:

- **The Census FOIA main page lists additional links to highly requested information sought by requesters: <https://www.census.gov/about/policies/foia.html>. The link and the website are updated often to ensure new material is captured and shared to the public. This is a new concept for proactive disclosures. Much of the information shared has not been requested through FOIA but the Census Bureau understands the high interest involving these topics.**
- **The Chief FOIA Officer at the EDA continues to communicate to staff with FOIA responsibilities that if any frequently requested document(s) needs to be posted to EDA's Reading Room, the Chief FOIA Officer will review the document(s) and then forward to EDA's IT team to upload on the agency's website. The agency will upload the document(s) to the FOIAonline system as well for public viewing. In addition, the agency's Chief FOIA Officer has had discussions with Regional Offices as to what proactive disclosures might be useful and appropriate for EDA stakeholders (conversations are always on-going). EDA has not faced any challenges in this area.**
- **The BEA receives many requests for regional and national economic information; however, this information is already publicly available on BEA's website. BEA has turned to advanced web analytics to determine if improvements are necessary to the existing information architecture to assist these users in finding the data directly.**
- **The ITA proactively publicizes important disclosures on ITA websites, trade.gov and export.gov. In collaboration with the Office of the U.S. Trade Representative, ITA publishes text and datasets for important trade agreements that impact commercial industries. ITA continues to seek opportunities to expand disclosures of this nature with a focus on transparency and openness.**
- **The NOAA, along with the other Bureaus within the Department of Commerce, utilizes FOIAonline as its FOIA processing platform. That has allowed for custom report extractions to improve identification of requested records amendable to proactive disclosure. Similarly, when multiple requesters seek requests that are overlapping—but not identical—NOAA has made the determination in several cases to conduct a single, overarching search that would produce all responsive records to the requester group at large, and disclose all of the records through FOIAonline, or through the FOIA Reading Room so that the entire public can benefit from the largest balance of all responsive**

records on a subject that is of public interest. NOAA continues to face FOIAonline system challenges regarding both the file size and the file type(s) that FOIAonline currently accepts during the upload process.

- As a part of the FOIA closeout process for each FOIA, the NTIA checks whether the records must be proactively disclosed under this provision.

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 that describes your agency's efforts in this area.

1. Please briefly describe the types of technology your agency uses to support your FOIA program. In addition, please highlight if your agency is leveraging or exploring any new technology that you have not previously reported. If so, please describe the type of technology.

The DOC continues to utilize technology to support our FOIA program to facilitate overall FOIA efficiency. FOIAonline enhancements and upgrades also leveraged to improve FOIA processing. The Department also uses the Kiteworks secure file sharing platform to transmit documents containing sensitive and/or personal privacy information. The DOC also uses an e-Discovery tool.

- **The BEA is working on a new FOIA website. Much of BEA's current site effectively discloses information as outlined in DOJ's explanation of 5 U.S.C. section 552(a)(2)(D). BEA's site is built on a modern, content-managed platform hosted in a cloud environment.**
- **The BIS uses FOIAonline and internal excel spreadsheet to track all FOIA requests, referrals, and consultations. BIS also recently acquired the e-discovery tool, Relativity, to assist with records processing and review.**
- **The Census is currently exploring new software for FOIA processing as well as enhancing its internal FOIA SharePoint site to include workflows that will help with communicating with key program areas that have roles and responsibilities processing FOIA requests.**

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- **The EDA continuously uses the FOIAonline system to facilitate overall FOIA efficiency. EDA is not leveraging new technology to facilitate efficiency. Various updates to the FOIAonline system are frequently made to help make the processing of FOIA requests more efficient and timelier.**
- **The FOIA Officer for the IOS initiated the use of the Relativity eDiscovery Software to reduce FOIA backlogs and improve processing. This tool is being piloted for FOIA litigations.**
- **The ITA regularly uses technology to facilitate overall FOIA efficiency and includes: FOIAonline to share documents among participating agencies (especially for consultations and referrals); working with TSI to procure and implement a new e-discovery tool such as Relativity; and using Microsoft OneDrive for business units to compile responsive records. These records can then be seamlessly shared with the ITA FOIA Staff and any other authorized users of the system. Kiteworks secure file sharing is routinely used to transmit documents containing PII or other sensitive information within the bureau, Department, or with other Federal agencies. ITA conducts email searches via the Microsoft Office 365 portal using its native search capability.**
- **The NIST uses High speed scanners, secure file transfer platforms, use of an agency wide FOIA tracking system (FOIA Online), and Adobe Pro software.**
- **The NOAA uses FOIAonline to share documents among FOIA staff in participating agencies, which is particularly useful for consultations and referrals. An encrypted secure file sharing application referred to as Kiteworks is also routinely used to transmit documents containing personally identifiable information (PII) or other sensitive information within the DOC, BOU, or with other Federal agencies. Beyond Kiteworks (encrypted file share), NOAA is now making additional tools available for storing and transmitting sensitive data within the Google Environment, as well as sharing best practices with all of the DOC Bureaus, and other agencies, in proper management of text and instant message (IM) records. NOAA also improved the access to the Kiteworks tool. Users are now allowed to store and transmit Sensitive, non-public information within Google Drive and Gmail, provided that that information is not shared with anyone outside of the noaa.gov domain and all Privacy restrictions are followed. NOAA is currently leveraging the Veritas Platform for eDiscovery processing, deduplication, and record extraction. As noted above, NOAA undertook the initiative to advance eDiscovery processing as an enterprise service, instead of a single-license-based solution in individual offices. An enterprise eDiscovery solution is expected at a later date.**
- **During FY20, the NTIA's work has shifted to nearly 100 percent virtual. NTIA was well prepared for this shift as much of its FOIA work was already conducted virtually, which includes electronic forms for search and fee estimates, shared folder systems, and Adobe redaction tools.**



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- **The Information Law Division is not leveraging any new technology that has not been previously reported. We continue to utilize FOIAonline to process appeals.**
 - **The OIG participates in using the Department’s FOIAonline request tracking system to track requests from start to finish. Customarily, FOIA searches include searches of individual email folders and other electronic files in which responsive records may reasonably be located. Request volume and technological requirements are factors in determining the most efficient and effective manner to search.**
 - **Office of the Secretary continues to use the FOIAonline tracking system to monitor and track its FOIA case load, to track the progress of each case, communicate to the requester and to post records and information that is being released. Continues to use the search tool Relativity to conduct searches of email boxes for top DOC officials and political appointees. Continues to use the FOIAonline tracking system to monitor and track the FOIA case load. It is used to track the progress of each case, communicate to the requester and to post records and information that is being released.**
 - **The USPTO FOIA Office uses FOIAXpress to manage its FOIA requests. In addition to its redaction capabilities, FOIAXpress is an effective tool for document sharing and record organization. It allows the FOIA professionals to quickly search for specific requests, requesters, and other request-related information. The USPTO FOIA Office continues to use Clearwell, the previously reported electronic discovery management tool called Clearwell, to support record management and production of voluminous FOIA requests.**
2. 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. DOC has reviewed its FOIA website(s) during the reporting period to ensure it addressed the elements noted in the OIP guidance.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2020?

Yes, all quarterly reports were successfully posted on the Department of Commerce website.

4. 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 2021.



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We provided our quarterly reports to the incorrect point of contact. Our plan moving forward is to follow the guidance on foia.gov (<https://www.justice.gov/oip/blog/foia-guidance-8>).

5. 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 2019 Annual FOIA Report and, if available, for your agency's Fiscal Year 2020 Annual FOIA Report.

DOC FY19 and FY20 and the raw data used to compile the reports can be found at https://www.osec.doc.gov/opog/FOIA/FOIA_reports_annual.html.

6. Optional -- Please describe:

Best practices used in greater utilizing technology

Any challenges your agency faces in this area

Best practices:

- **The DOC FOIA Program and InfoLaw continues to utilize the e-discovery tool “Relativity” to enhance email search capabilities which exponentially improves timeliness of document collection. It allows specified documents and data sets to be identified and extracted from custodian accounts using filters and search terms. The tool automates deduplication, email threading which decreases analyst review times.**
- **The BEA developed a search and fee form to aide in the FOIA request process. These forms are pdf fillable forms that are sent to others within BEA who assist with searches. BEA also improved its website and Intranet to improve the use of technology in FOIA.**
- **There is an additional tool that the EDA utilizes to create further efficiencies. EDA keeps a manual Microsoft Excel FOIA log spreadsheet in addition to using the FOIAonline system. Together, both mechanisms help to process and track all FOIA requests efficiently.**
- **The ITA is working with contractors to develop more sophisticated data visualizations (i.e., dashboards) and analytical reporting, using Tableau software, to improve the overall FOIA program operations. In early FY20 ITA volunteered to be part of the DOC pilot program for Relativity, an electronic documentation system. ITA is currently working with its own CIO to identify and rollout an E-discovery platform.**
- **The NIST utilizes a high-speed scanner, a secure file share for transmitting sensitive documents for collaboration, consultations, and referrals.**

- **The NOAA uses Pay.Gov which allows NOAA users to go to the Pay.Gov account, create a bill for the FOIA requester to pay, and then send the ID Number for the bill to the requester in the fee estimate so the requester can find and pay their bill. It also significantly streamlines the process for the occasional FOIA fee refunds, which previously have been challenging for OCFO. Additionally, NOAA relied on Google Vault capability to increase bureau-wide searches, and extract responsive records across large groups of employees, regions, offices, and in some cases, across all of NOAA. This allowed NOAA to carry out searches in cases where searches by individuals would be impractical or would result in onerous search times. NOAA also recently adopted a new application that allows for collaborative file-sharing spaces that can be accessed by external stakeholders with the use of revocable certificates. This allows for large-scale data sharing of encrypted files for FOIA review and consultation purposes.**
- **The InfoLaw Division utilizes FOIAonline to streamline the appeals process. We also use Kiteworks, the Department’s secure file-sharing system, when transmitting documents with the BOUs.**
- **The ITA’s use of Tableau software to improve their FOIA processing and operations; and NOAA use of the Unified Messaging Service search capability to increase bureau-wide searches, and extract responsive records across large groups of employees, regions, offices, and in some cases.**

Challenges:

- **The DOC challenges include resource/budget constraints, which are compounded by increased FOIA requests. Technology enhancements afford automation which improve efficiency.**
- **Frequent staff turnover and budget restrictions limits consistency and creativity in decision making on IT projects are challenges for the ITA.**
- **Not all bureaus leverage the same enterprise communications and email storage systems, and as such, default storage, retention, and encryption of messaging systems and applications vary. This creates difficulty in crafting SOPs for records transmission, storage, and searchability between organizations.**
- **The NTIA will continue to explore the software and other web or electronic tools available to improve processing and shorten response times, as permitted by budget and other resources. NTIA works with its IT office to ensure the appropriate equipment and tools are available to those that process FOIA requests including search, de-duplication, and redaction tools. Currently, NTIA is working with IT to obtain technology that will permit the preservation, search, and production of text messages on government devices.**

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 2019 and 2020 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?

Yes. DOC utilizes a separate track for simple requests.

2. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2020?

No. The overall average number of days to process simple requests was 58 days for DOC.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2020 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

The percentage of requests processed by DOC in Fiscal Year 2019 that were placed in a simple track was 46.5%

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?

Not Applicable.



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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 2019 and Fiscal Year 2020 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 2020, according to Annual FOIA Report Section XII.A, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

Yes. The backlog of requests for DOC at the close of Fiscal Year 2020 was 629. This was a decrease of 12.8% as compared with the backlog reported at the end of Fiscal Year 2019 which was 721.

6. If not, according to Annual FOIA Report Section V.A, did your agency process more requests during Fiscal Year 2020 than it did during Fiscal Year 2019?

Not Applicable

7. If your agency's request backlog increased during Fiscal Year 2020, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

An increase in the number of incoming 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.

Not Applicable

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 2020. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from



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Section XII.A) divided by (requests received from Section V.A) x 100. 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 DOC in Fiscal Year 2020 is 31.18%.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2020, according to Section XII.A of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

Yes, the InfoLaw decreased the number of backlogged appeals from 85 in Fiscal Year 2019 to 79 at the end of Fiscal Year 2020.

10. If not, according to section VI.A of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2020 than it did during Fiscal Year 2019?

Not Applicable

11. If your agency's appeal backlog increased during Fiscal Year 2020, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

An increase in the number of incoming appeals.

A loss of staff.

An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.

Any other reasons – please briefly describe or provide examples when possible.

Not Applicable

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 2020. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. If your agency did not receive any appeals in Fiscal Year 2020 and/or has no appeal backlog, please answer with "N/A."



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Appeals that make up the backlog out of the total number of appeals received by DOC in Fiscal Year 2020 is 90.8%.

C. Backlog Reduction Plans

13. In the 2020 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2019 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 2020?

Not Applicable

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2020, please explain your agency's plan to reduce this backlog during Fiscal Year 2021.

Not Applicable

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 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

15. Fiscal Year 2020, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2019 Annual FOIA Report?

No. DOC did not close the ten oldest requests that were reported pending in its Fiscal Year 2019 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 2019 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

Six (6) of DOC's ten oldest requests, as listed in Section VII.E of its Fiscal Year 2019 Annual FOIA Report, were closed in 2020.

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

- **BEA assigned temporary resources to assist with case management, review, and processing, which allows FOIA Officer and other analyst to close requests.**
- **BIS has set the oldest requests as priority and dedicates resources to focus on oldest cases. In addition, they have prioritized any simple track pending requests to close them within twenty days.**
- **The Census Bureau hired two more staff to assist with processing FOIA cases and hired additional contractors to assist with backlogged 2020 Decennial Census cases.**
- **The IOS hired two contractors to assist with processing FOIA cases. The continue utilization of the e-discovery tool Relativity allowing analysts to search, quickly filter, de-duplicate, sort e-mail documents identifying large volumes of responsive e-mail, e-mail attachments and e-mail files. Relativity exports the results of e-mail searches for disclosure review. Relativity allows for the redacting to be done and saved for future searches. The analysts continually review their case load and sent out reminder emails for status of the program staff search responses. The analysts continually review FOIA cases to verify if cases to see if interims can be sent.**
- **ITA FOIA team always work to prioritize older cases to reduce the overall age of the pending requests.**
- **NIST continues to conduct regular meetings among the FOIA Officer and FOIA staff to discuss program inefficiencies and remediations. FOIA staff often team up for large and complex requests.**
- **Additionally, NIST conducts quarterly reports to gauge status on oldest requests as well as other aspects of the FOIA program.**
- **NOAA issued monthly FOIA reports to Senior leadership, FOIA Coordinators, and FOIA Liaisons. These monthly reports were an opportunity for Tiger teams to report and focus on pending request processing times, and to identify requests that were backlogged or required immediate attention. In turn, capturing such metrics in the monthly reports helped NOAA make major improvements to request processing times.**
- **NTIA established a goal to provide requesters interim responses every 30 days. This keeps the requester apprised of the progress of their case and regularly provides**



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responsive records. In this way, the requests are consistently being processed and closed out.

- **OIG routinely monitors the status of open requests throughout the FOIA search, review, and production process to ensure that all cases are responded to as expeditiously as possible.**
- **The OS continues to monitor and review OS FOIA case load and while processing newer incoming FOIAs they strive and work simultaneously on the backlogged open FOIA cases. There was temporary loss of analysts and there was some time between hiring replacement contractor support to process the cases.**
- **PTO continues to take steps to reduce the overall age of pending requests. For example, the PTO FOIA Office conducts regular reviews of the status of older requests and makes arrangements (i.e., through more manpower or the redistribution of workloads) to provide more resources for handling those requests involving a voluminous amount of records.**

TEN OLDEST APPEALS

18. In Fiscal Year 2020, did your agency close the ten oldest appeals that were reported pending in Section VII.C.5. of your Fiscal Year 2019 Annual FOIA Report?

No. DOC did not close any of the ten oldest appeals reported pending in the Fiscal Year 2019 Annual FOIA Report.

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 2019 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

No, the Information Law Division did not close any of ten oldest appeals that were reported pending in the Fiscal Year 2019 Annual FOIA report. The Division were able to close two of the ten oldest appeals. The Division was unable to complete the remaining appeals because of the volume of responsive records and increased litigation.

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

The InfoLaw division continues to focus on the ten oldest appeals. Staff dedicated to working on appeals increased by one (1) during FY20.

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2020, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2019 Annual FOIA Report?

No. DOC did not close the ten oldest consultations that were reported pending in Section XII.C. of the Fiscal Year 2019 Annual FOIA Report.

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 2019 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

Four (4) of the DOC's ten oldest consultations, as listed in Section XII.C. of its Fiscal Year 2019 Annual FOIA Report, were closed in 2020.

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 2019.

For requests: The obstacles in closing the 10 oldest request included receipt of voluminous requests that required extensive searches and review, involved complex communications requiring consultations with multiple DOC BOU's and Federal Agencies.

For consultations: The main obstacle was staffing and resources. In addition, the consultations required disclosure reviews with multiple DOC BOU's. In addition, the lack of access to the required hard copy documents as the Department transitioned to maximum telework due to COVID-19.

For appeals: The biggest obstacle to closing the remaining eight of our ten oldest appeals from the end of FY 2019 was the lack of access to the required hard copy documents as the DOC transitioned to maximum telework due to COVID-19.

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.

Not Applicable.



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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 2021.

For requests: To ensure appropriate priority is given to the ten oldest requests, DOC FOIA leadership will communicate directly monthly with BOU FOIA officers to discuss their oldest backlogged requests, along with assisting with making concrete plans to close them. Additionally, the outstanding ten oldest requests will be reviewed during DOC FOIA Council meetings. Additionally, the BOU efforts to close their ten oldest pending requests includes providing interim releases on a rolling basis, additional staffing resources, coordinated communications across program offices, monitor the and ensure progress in the processing of each request, and adjust staffing workload when needed.

For consultations: DOC FOIA leadership will communicate directly monthly with BOU FOIA Officers to discuss their oldest backlogged consultations, along with assisting with making concrete plans to close them. Additionally, the outstanding ten oldest consultations will be reviewed during DOC FOIA Council meetings.

For appeals: Many of the oldest appeals are nearing completion and are awaiting review. We have a plan to focus resources on the oldest appeals and will continue to process them until completion is obtain.

F. Success Stories

Out of all the activities undertaken by your agency since March 2020 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, but should not be something that you have reported in a prior year. As noted above, OIP will highlight these agency success stories during Sunshine Week. 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.

In addition to successful continuous activities, there are many activities undertaken by the DOC and the DOC components to increase transparency and improve FOIA administration since March 2020. Overall, the DOC greatest success this fiscal year was adjusting for the Covid-19 pandemic and its challenges. However, we transitioned to 100% telework in a largely seamless manner. We did encounter some adjustments to the FOIA program to ensure the all FOIAs continued to be processed in a timely fashion and with accordance with FOIA law and regulation. Adjustments were made to daily and program workflows, use of equipment, utilization of e-discovery platforms

to streamline records processing and remote upload, redaction and production capability and web-based meetings to name a few. The DOC succeeded and the overall FOIA operations and program continues to operate with little to no flaws.

- **BIS acquired an authorized cloud-based Software solution which will provide centralized email/ document records collection, search, de-duplication, review, analysis, redaction, storage, and production capabilities. This will help reduce the agency’s backlog and enable BIS to prepare and submit a monthly status report describing the work performed each month.**
- **DOC implemented a project to reach out to requesters on its oldest FOIA requests. Contractors were used to assist OS with processing those requests which led to a reduction in the backlog of FOIA cases. In FY 2019 the backlog for the OS was 450 and for FY 2020 was 375, which is a 16.7% decrease.**
- **ITA successfully implemented telework protocols that allowed for efficient processing of FOIAs during the mandatory work-from-home guidance. ITA FOIA Staff developed and implemented a bi-monthly FOIA report and dashboard to detail the ITA FOIA workload by ITA business unit. Additionally, ITA implemented an electronic payment acceptance process for fee remittance from requesters for all fee payments.**
- **NTIA worked with NOAA FOIA staff and NOAA counsel’s office to post on NOAA’s website information regarding Gibson County Indiana Wind Turbine Project. This information was subject of at least two inquiries (including Congressional inquiry) at the time. This effort was also coordinated with the Department of Commerce’s Office of Public Affairs and Office of Congressional Affairs. The Gibson County Indiana Wind Turbine Project is available at: <https://www.noaa.gov/organization/information-technology/foia-reading-room>.**
- **Since NTIS made the National Technical Reports Library (NTRL) publicly available verses being previously paid subscription access, there has been greater use of the NTRL content. Such public facing activity has streamlined FOIA requests processing and heightened interest in the NTIS data mission.**
- **PTO identified frequent requesters/requests in the educational and media categories and worked with business units to streamline search process. Updated FOIA website to include FOIA logs and a “FAQ” section to address frequently asked questions by requesters**