



# 2019

## Chief FOIA Officer Report

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



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

## Table of Contents

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

# Tracey St. Pierre, Director, Office of the Executive Secretariat and Chief FOIA Officer

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## Introduction

The U.S. Department of Education's (ED or Department) mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. ED's Freedom of Information Act (FOIA) program is amongst many functions that contribute to the Department meeting and achieving its mission.

This *2019 Chief FOIA Officer Report* summarizes the Department's accomplishments in carrying out its initiatives related to transparency, openness, and implementing FOIA throughout the general reporting period March 2018 to March 2019. ED conducted a review of its administration of the FOIA and analyzed the data from its FOIA Annual Report from Fiscal Year 2018 (October 1, 2017, to September 30, 2018), supplemented by data gathered throughout the reporting period.

The following areas are highlighted from this review and analysis of ED's FOIA activities:

## Processing Requests

- In Fiscal Year 2018, ED processed 2,858 requests compared to 2,574 requests in Fiscal Year 2018; fifty-eight percent (58%) of the 2,858 FOIA requests processed in Fiscal Year 2018 were placed in the simple track, and the average processing time (age) was 11.8 days; and ED targeted the backlog of pending FOIA requests for FY 2017 and previous fiscal years and reduced the requests from 870 to 319 resulting in a 63% reduction.

## Training Personnel

- At least 90% of ED's FOIA professionals and staff with FOIA responsibilities attended substantive training during this reporting period; and ad hoc FOIA training opportunities provided across the Department included: FOIA 101 to provide staff a basic overview of the FOIA, an assessment of their overall FOIA program, best practices in responding to requests, addressing their FOIA case backlog, desk side training on the tracking system used by ED to process FOIA/Privacy Act (PA) requests, and the correct usage of the nine (9) FOIA Exemptions.

## Utilizing Technology and Web Tools

- Updated the FOIA website resources during this reporting period to include the online FOIA Request Form, [online](#) Privacy Request Form and [online](#) Third Party Perjury Form; upgraded the case management tracking system to increase operational efficiency; and moved its electronic case management tracking system from the agency network to the vendor-hosted cloud to improve efficiencies.

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

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

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

### A. FOIA Leadership

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

Yes.

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

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### B. FOIA Training

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

Yes.

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

- Yes. FOIA professionals from multiple ED program offices took advantage of the many training opportunities that were made available, including FOIA training provided by the Department of Justice's Office of Information Policy (OIP), and the American Society of Access Professionals (ASAP):
  - ASAP 11<sup>th</sup> Annual National Training Conference.
  - ASAP Food For Thought Luncheon.
  - DOJ's Best Practices Workshop series.
  - DOJ's training on preparation of the FOIA Annual Report and the Chief FOIA Officer Report.
- ED also offered the following internal training during the reporting period:
  - ED's central FOIA Office (i.e., FOIA Service Center (FSC)) provided the FOIA coordinators within individual ED program offices refresher courses on the Department's internal FOIA process, and the proper usage of the nine (9) FOIA exemptions.

- In addition to the FOIA coordinators meetings, the FSC, in collaboration with Office of the General Counsel (OGC) provided tailored FOIA training to specific program offices within ED. The training offerings included: FOIA 101 to provide staff a basic overview of the FOIA, an assessment of their overall FOIA program, best practices in responding to requests, addressing their FOIA case backlog, desk side training on the tracking system used by ED to process FOIA/Privacy Act (PA) requests, and the correct usage of the nine (9) FOIA Exemptions.
- Lastly, ED conducted its annual FOIA training which had three DOJ attorney's present on the following topics: (1) procedural overview; (2) Exemptions 3, 4, 5, 6, & 7; and (3) Appeals, litigation and recent court decisions.

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

- At least 90% of ED's FOIA professionals and staff with FOIA responsibilities attended substantive training during this reporting period. We feel the high rate of FOIA professionals that attended training is due to the continual outreach effort made by the FOIA Service Center (FSC) where we notify FOIA professionals of the various training opportunities that are available. These notifications are provided in ED's FOIA newsletter and through blast e-mails to staff.

6. OIP has **directed agencies** to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

N/A

### C. Outreach

7. 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.

As in previous years, ED FOIA professionals, including staff within the FSC, attended multiple interactive Sunshine Week events in 2017. Additionally, there were multiple sessions at the ASAP 11<sup>th</sup> National Conference conducted by members of the requester community. This engagement assisted ED's FSC in better understanding the requester public.

### D. Other Initiatives

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In 2016, the Department **publicized** FOIA-related performance standards for employees

that have any role in administering the FOIA, including non-FOIA professionals. Please also indicate whether your agency has considered including FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA.

All new ED personnel are informed of their FOIA obligations as part of our “On Boarding” process, and our internal trainings are extended to non-FOIA professionals as well. ED has already included FOIA-related performance standards in a few program offices.

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

N/A

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

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 2018, 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 2018 Annual FOIA Report.

The average number of days was 8.13.

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

N/A

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

Yes, ED’s FOIA program went through two separate assessments during this fiscal year.

The first assessment was conducted internally by ED staff who were students in the Excellence in Government Fellows program. Over the course of several months, the staff interviewed stakeholders in ED's internal FOIA community, reviewed Standard Operating Procedures (SOPs), reports and ED's FOIA regulations, and conducted an interagency roundtable discussion that was attended by FOIA professionals from National Labor Relations Board, Pension Benefit Guaranty Corporation, and Health & Human Services.

The second assessment was conducted by the Office of Government Information Services (OGIS). The OGIS assessment consisted of a review of ED's FOIA request files, FOIA regulations, and internal guidance for processing requests, annual reports and interviews with FOIA staff.

4. 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 2018 (please provide a total number or an estimate of the number).

ED's FOIA Public Liaison has been contacted for assistance approximately 96 times this fiscal year. On average, a member of the requester community contacts ED's FOIA Public Liaison 2-3 times per week.

5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.

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

- Facilitating cyclical meetings scheduled between FOIA professionals (particularly ED FOIA coordinators within program offices and the FSC) to foster collaborative work relationships, to improve search processes, to effectively troubleshoot problems and to facilitate more timely and substantive responses to FOIA requests.
- Enriching a continuous partnership between Office of the General Counsel (OGC) and FSC in an effort to enhance FOIA Training, to improve FOIA handling practices, and to better understand all procedural and regulatory requirements.

### **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 material that your agency has proactively disclosed during the past reporting year, including links to the posted material

Office of the Secretary

- [Federal Commission on School Safety](#)
- [Secretary's Calendar](#)

Office of Elementary and Secondary Education

- [ESSA State Plan Submission](#)
- [Indian Education Professional Development Grants](#)

Office of Innovation & Improvement

- [Charter Schools Program Developer Grants](#)
- [Charter Schools Program Grants to State Entities](#)
- [Credit Enhancement for Charter School Facilities Program](#)
- [Education Innovation and Research](#)

Office for Civil Rights

- [Case Processing Manual](#)
- [Civil Rights Data Collection \(CRDC\)](#)
- [Reading Room](#)

Office of Planning, Evaluation and Policy Development

- [Policy and Program Studies Service - P-12](#)
- [President's FY 2019 Budget Request](#)

2. Please describe how your agency identifies records that have been requested and released three or more times (and are therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a)(2)(D)).

- ED's FSC collaborates internally with program offices across the Department as an ongoing effort to identify records for proactive disclosure. This is an effort in the Department's FSC, which, at times, requires an electronic search of the case management tracking system to identify frequently requested records. Additionally, the FOIA Coordinators in each program office are tasked with monitoring their incoming requests to identify cases that have reached the "rule of three."

3. 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.

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

Toolkit on ED Tech for English Learners

<https://tech.ed.gov/edtech-english-learner-toolkits/>

College Scorecard Data

<https://collegescorecard.ed.gov/data/changelog/>

Protecting Student Privacy

<https://studentprivacy.ed.gov/>

5. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

ED's FSC in partnering with the OGC FOIA Attorneys continues to communicate to program offices to follow the "rule of three" to identify categories of records that have been frequently requested or for which there is an anticipated high public interest.

## 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. Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used. If not, please explain why and please describe the typical search process used instead.

Yes. ED is continuing to utilize a robust E-Discovery tool to improve its record search capabilities and to assist with de-duplicating email communications.

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?

ED's FOIA Service Center is currently reviewing our website.

Updates to ED's FOIA website resources made during this reporting period include the following:

- Online FOIA Request Form.
- Online Privacy Request Form.
- Online Third Party Perjury Form.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2018?

Yes.

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 2019.

N/A

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 2017 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report.

ED's raw statistical data can be found here:

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

6. Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

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

Additionally, ED has moved its electronic case management tracking system from the agency network to the vendor-hosted cloud. Moving to the cloud will lead to more timely system upgrades that contribute to improving efficiencies through complete and accurate processing and reporting, better system reliability, less service disruptions, and improved technical support.

## 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 2018 Annual FOIA Report and, when applicable, your agency's 2017 Annual FOIA Report.

### A. Simple Track

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

1. Does your agency utilize a separate track for simple requests? If your agency uses a multi-track system beyond simple, complex, and expedited to process requests, please describe the tracks you use and how they promote efficiency.

Yes, ED utilizes a separate track for simple requests.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2018?

Yes. Our processing time for simple requests in Fiscal Year 2018 was 9.89 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2018 that were placed in your simple track.

Fifty-Eight percent (58%) of the 2,858 requests processed in Fiscal Year 2018 were placed in the simple track.

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

N/A

### B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year.

You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 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 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

No, the backlog didn't decrease compared with the backlog at the end of Fiscal Year 2017. Our backlog increased from 618 requests in Fiscal Year 2017 to 857 requests in Fiscal Year 2018

6. If not, did your agency process more requests during Fiscal Year 2018 than it did during Fiscal Year 2017?

Yes. In Fiscal Year 2018 we processed 2,858 requests compared to 2,574 requests in Fiscal Year 2017.

7. If your agency's request backlog increased during Fiscal Year 2018, 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.

The two major contributing factors which prevented ED from reducing our backlog was the high volume of new requests and increased litigation. The number of new requests (3,041 requests) was the highest volume ever received by ED. This represents a 4% increase from our previous high of 2,915 new requests received in Fiscal Year 2017. The number of lawsuits filed against ED increased to 28 in Fiscal Year 2018. This record high in litigation put a strain on ED's resources resulting in fewer resources to process FOIA requests.

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 2018. 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 ED in Fiscal Year 2018 is 29%.

## BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

No, the backlog didn't decrease compared with the backlog at the end of Fiscal Year 2017. Our backlog increased from 49 appeals in Fiscal Year 2017 to 68 requests in Fiscal Year 2018

10. If not, did your agency process more appeals during Fiscal Year 2018 than it did during Fiscal Year 2017?

Yes. In Fiscal Year 2018 we processed 53 appeals, compared to 50 appeals in Fiscal Year 2017.

11. If your agency's appeal backlog increased during Fiscal Year 2018, 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.

ED experienced a slight increase in the number of incoming appeals, but the two major contributing factors to the increase in our FOIA request backlog, also impacted our ability to address pending FOIA appeals.

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 2018. If your agency did not receive any appeals in Fiscal Year 2018 and/or has no appeal backlog, please answer with "N/A."

The percentage of appeals that make up the backlog out of the total number of appeals received by ED in Fiscal Year 2018 is 96%.

## C. Backlog Reduction Plans

13. In the 2018 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2017 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 2018?

N/A

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2018, what is your agency's plan to reduce this backlog during Fiscal Year 2019?

N/A

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

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

### **OLDEST REQUESTS**

15. In Fiscal Year 2018, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

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

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 2016 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

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

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

None of the six (6) cases were closed due to the requester withdrawing the request.

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

ED's targeted approach reduced the backlog of pending FOIA requests in FY 2017 and previous fiscal years from 870 to 319 for a 63% rate reduction.

### **TEN OLDEST APPEALS**

19. In Fiscal Year 2018, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

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

20. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

Three (3) of ED's 10 oldest requests were closed by the end of the fiscal year

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

ED's targeted approach reduced the backlog of pending FOIA appeals in FY 2017 and previous fiscal years from 56 to 34 for a 39% rate reduction.

## TEN OLDEST CONSULTATIONS

22. In Fiscal Year 2018, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

No.

23. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

ED only had one consultation for this reporting period which was closed just after the start of FY 2019.

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

24. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2018.

The biggest obstacles ED faced in getting the ten oldest requests and appeals closed were limited resources and the complex, voluminous nature of the responsive records.

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

N/A

26. 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 2018.

In addition to adding contract support to assist with processing the ten oldest requests and appeals, the FSC will meet regularly throughout Fiscal Year 2019 with the assigned program offices.

## **F. Success Stories**

Out of all the activities undertaken by your agency since March 2018 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, 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.

### **FOIA program assessment**

ED’s FOIA program went through two separate assessments during this fiscal year.

The first assessment was conducted internally by ED staff who were students in the Excellence in Government Fellows program. Over the course of several months, the staff interviewed stakeholders in ED’s internal FOIA community, reviewed SOPs, reports and ED’s FOIA regulations, and conducted an interagency roundtable discussion that was attended by FOIA professionals from National Labor Relations Board, Pension Benefit Guaranty Corporation, and Health & Human Services.

The second assessment was conducted by the National Archives and Records Administration, Office of Government Information Services (NARA/OGIS). The OGIS assessment consisted of a review of ED’s FOIA request files, FOIA regulations, and internal guidance for processing requests, annual reports and interviews with FOIA staff.

### **Backlog reduction**

During this fiscal year, ED targeted and reduced the backlog of pending FOIA requests of FY 2017 and previous fiscal years from 870 to 319, for a reduction rate of 63%.

