

2023 CHIEF FOIA OFFICER REPORT



**Office of the General Counsel
(OGC)**

Court Services and Offender Supervision Agency

2023 Chief FOIA Officer Report

Sheila Stokes, General Counsel

Section I: FOIA Leadership and Applying the Presumption of Openness

A. Leadership Support for FOIA

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, the Court Services and Offender Supervision Agency (“CSOSA” or “Agency”) Senior Official designee is the General Counsel.

2. Please provide the name and title of your Agency’s Chief FOIA Officer.

Sheila Stokes, General Counsel

3. What steps has your Agency taken to incorporate FOIA into its core mission? For example, has your Agency incorporated FOIA milestones into its strategic plan?

FOIA is incorporated with the Agency’s core mission, CSOSA’s leadership developed benchmarks for the program offices that were included in the Associate Directors’ performance standards concerning the program offices’ obligations under the FOIA. The Agency’s goal is to ensure that all FOIA requests are answered within the statutory time frame and that all FOIA requesters receive outstanding customer service.

B. Presumption of Openness

4. The Attorney General’s 2022 FOIA Guidelines provides that “agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.” Does your Agency provide such confirmation in its response letters?

Yes, the Agency provides the foreseeable harm standard in its response letters.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. With respect to these responses, please answer the below questions:

The Agency has not asserted the Glomar response in responding to any requests in past or recent years. The Agency’s goal is transparency and openness, and we pride ourselves on the ability to achieve this goal. The Agency FOIA mission is to provide responsive records when located and on occasion have created records consisting of charts and summaries, even though the FOIA does not require it. The Agency strives to provide outstanding customer service to our FOIA requesters.

a. In addition to tracking the asserted exemption, does your Agency specifically track whether a request involved a *Glomar* response?

Although, the Agency has not processed any Glomar response in past and recent years, the Agency's FOIA Tracking System, FOIAXpress allows for the Agency to track all request, including Glomar. FOIAXpress processing system has a mandatory description section that provides for FOIA personnel to enter keywords such as "Glomar" that will allow the Agency to search and track all Glomar responses.

- b. If yes, please provide:
- i. the number of times your Agency issued a full or partial *Glomar* response (separate full and partial if possible);

Not Applicable.
 - ii. the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

Not Applicable.
- c. If your Agency does not track the use of *Glomar* responses, what would your Agency need to do to track in the future? If possible, please describe the resources and time involved.

As noted above, although, the Agency has not processed any Glomar responses in past or recent years, the Agency's FOIA Tracking System, FOIAXpress allows for the Agency to track all FOIA requests. FOIAXpress processing system has a mandatory description section that provides for FOIA personnel to enter keywords such as "Glomar" that will allow the Agency to search and track all Glomar responses. The time involved would be minimal as the search and tracking features populate within in seconds.

6. 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.

As noted above, the Agency strives to provide outstanding customer service, transparency and openness to our FOIA requesters. This Fiscal Year, the Agency FOIA program office is in the planning stage of working on an initiative with the Agency's Office of Research and Evaluation to create charts of various aggregate data to make available to the public.

Section II: Ensuring Fair and Effective FOIA Administration

A. FOIA Training

1. 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 Chief FOIA Officer ensures that the FOIA professionals are provided a training budget and encourages each professional to attend FOIA training.

2. 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, the FOIA professionals at the Agency attended training for Fiscal Year 2022 (FY 2022).

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

The Agency's FOIA Officer provided FOIA training to staff and newly hired Agency personnel at the Agency's New Employees Orientation. The training consisted of an overview of the FOIA and the FOIA Exemptions, specifically, (b)(6), (b)(7)(C), and (b)(7)(E). The FOIA staff attended the following training: 2022 American Society of Access Professionals, Inc. (ASAP) National Training Conference, 2022 ASAP FOIA/Privacy Act Workshop. Department of Justice, Office of Information Policy's 2022 Procedural Requirements and Fees, Virtual Introduction to FOIA, Virtual Annual FOIA Report Refresher and Quarterly Report Training.

4. 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.

The Agency's FOIA professionals attended 100% of substantive FOIA training.

5. 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.

6. Describe any efforts your Agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your Agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your Agency received a briefing on your Agency's FOIA resources, obligations and expectations during the FOIA process?

CSOSA's FOIA Professionals provide in person, virtually, or by phone, year-round training to employees and year-round onboarding FOIA training to newly hired employees. FOIA Professionals routinely take part in communicating collaboratively with non-FOIA professionals regarding procedural guidance related to conducting searches for responsive records, as well as, meeting the FOIA statutory requirement to respond to FOIA request(s) within 20 business days, unless there are "unusual circumstances." The FOIA office provides updates to senior leadership of the Agency's FOIA resources, obligations and expectations. Also, CSOSA's leadership developed benchmarks for the program offices that were included in the Associate Directors' performance standards concerning the program offices' obligations under the FOIA.

B. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, 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, CSOSA's FOIA professionals engaged in dialogue and collaborated with its requester community to answer procedural questions and to listen to the requesters' needs and concerns. The FOIA office specifically addressed the requirement of signed authorizations. This dialogue has reduced the number of un-perfected FOIA request(s) allowing the FOIA Office to process each request without delay. Also, this year the FOIA professionals have worked directly with the

requester community by going over how to create a FOIA request, and on occasion has provided a general template of what consist of a perfected FOIA request. This dialogue has created a great working relationship with the FOIA Requester community.

8. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.

Yes, CSOSA's FOIA professionals proactively contact requesters concerning complex or voluminous request(s) to clarify or narrow the scope of the request. For example, the Agency has received a request for any and all emails, solicitations, proposals, contracts, amendments, etc. When receiving a request such as this, the FOIA office will reach out to the FOIA requester and ask if the FOIA requester can provide additional information which would allow the FOIA office to be able to search for the responsive information. Specifically, the requester is asked, to the extent possible, to be more specific concerning the information requesting by providing dates of emails, addresses names, and dates of contracts as a few examples. Typically, during the dialogue, the FOIA requester will narrow and/or modify the request. This dialogue has proven to be beneficial to all parties and creates a great working relationship with the FOIA requester community and the FOIA office.

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the Agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your Agency's FOIA Public Liaison during Fiscal Year 2022 (please provide a total number or an estimate of the number).

Requesters sought assistance from the Agency's FOIA Public Liaison an estimated 4 times during FY2022.

C. Other Initiatives

10. Has your Agency evaluated the allocation of Agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your Agency has or will implement.

Yes, the Agency routinely evaluates the allocation of Agency personnel resources needed to respond to current and anticipated FOIA demands. The Agency has allocated two paralegals to assist with processing FOIA requests. This totals approximately 3 full-time personnel to process.

11. How does your Agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

The Agency uses FOIA Reports to ensure efficient management of FOIA workload and processing metrics. FOIAXpress provides a variety of reports that can be queried such as request stats, date received, date closed, etc. FOIAXpress also can generate management reports, which can include specific dates, the total number of FOIA requests received, processing time, and those requests that have been closed. The Agency also uses a separate database, Teamwork, which provides the FOIA personnel the ability to enter each FOIA request received, subject matter, and the estimated time of completion. This database allows for management to track and see metrics and the progression of the request, to communicate with the FOIA personnel, and to review and approve for final approval for release and closure.

12. Optional -- If there are any other initiatives undertaken by your Agency to ensure fair and effective FOIA administration, please describe them here.

The Agency's Leadership prides itself on supporting and ensuring fair and effective FOIA administration. The Leadership encourages all FOIA professionals to reach out to the requester community and to provide assistance to each requester. Each FOIA requester is treated fairly and always with respect. The Agency prides itself with open communication with the requester community.

Section III: Proactive Disclosures

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

The Agency continues to review ways to enhance open government by identifying and posting information that can be released to the public by posting information to the Agency's website. For example, the Agency routinely reviews bi-weekly reports, quarterly reports, and annual reports and identifies FOIA requesters that submit requests frequently for the same subject matter. In these instances, the Agency identifies, tracks, and proactively posts responsive records on the Agency's website and the FOIA Electronic Reading Room for public disclosure.

2. 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 Agency provides planning reports, policies, and various guidance materials outside of FOIA which can be found at the following links: [Reports – CSOSA](#) and [Guidance – CSOSA](#).

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?

The Agency continues to take steps to enhance posted information more useful to the public, especially the community of individual who regularly access the Agency's website, by ensuring the website is clear and user friendly. Also, the Agency ensures and makes available that policies and guidance documents are current. The Agency continuously ensure that software is up to date and that the website is 508 compliant.

4. 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.

A majority of CSOSA's FOIA requests are first-party requests for sensitive personal information (approximately 99%), which is not permitted to be posted online.

5. Does your proactive disclosure process or system involve any collaboration with Agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

Yes, the FOIA Office collaborates with various program offices within the Agency. Specifically, if the information being requested originated with the program office, communication with the program office(s) is valuable as they provide subject matter expertise and build partnerships.

6. Optional – Please describe the best practices used to improve proactive disclosures and any challenges your Agency faces in this area.

CSOSA’s best practice used to improve proactive disclosures is to continue communication with program offices and to ensure new and updated information is posted and available on the Agency’s website.

Section IV: Steps Take to Greater Utilize Technology

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

The Agency continues to review its FOIA-related technology capabilities and works with the Office of Information Technology and the AINS FOIAXpress Team to ensure we have the most current software to be able to process each request proficiently.

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

CSOSA currently uses the most updated version of FOIAXpress. CSOSA’s Records office ensures that the record retention schedules are followed and, therefore, records are maintained in compliance to national standards. thereby assisting in maintaining records as per their life-cycle in a digital environment that allows for easier and quicker access. The Agency is now also interoperable with the National FOIA Portal.

3. Does your Agency currently use any technology to automate record processing? For example, does your Agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

The Agency currently uses the search and find tool in Adobe to locate words and/or phrases to redact. The aforementioned search and find feature helps with processing times. The Agency is technology driven and is open to review a more advanced automated system to allow for technology assisted review.

4. 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, CSOSA has reviewed its FOIA website to ensure it addresses proactive disclosures, instructions for submitting FOIA requests or inquiring about a request, and information about the Agency’s administration of the FOIA.

5. Did all four of your Agency's [quarterly reports](#) for Fiscal Year 2022 appear on FOIA.gov?

Yes, CSOSA has successfully posted all four quarterly reports for Fiscal Year 2022.

6. If your Agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your Agency’s plan for ensuring that such reporting is successful in Fiscal Year 2023.

Not Applicable.

7. 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 2021 Annual FOIA Report and, if available, for your Agency's Fiscal Year 2022 Annual FOIA Report.

FOIA Reports – CSOSA

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your Agency in compliance with the guidance?

Yes, CSOSA is in compliance with the Interoperability standards.

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your Agency faces in this area.

CSOSA currently uses the most updated version of FOIAXpress. Utilizing the most updated versions of FOIAXpress allows the Agency to operate without any challenges.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

A. Remove Barriers to Access

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

Yes, the Agency allows for alternative means of access to first-party requested records outside of the FOIA process.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

First-party requesters may submit a privacy act request. Also, the Agency allows access to records through the subpoena and/or court order process.

B. Timeliness

3. For Fiscal Year 2022, 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 2022 Annual FOIA Report.

For Fiscal Year 2022, the average number of days the Agency reported for adjudicating requests for expedited processing was 2 days.

4. 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 2022 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.

Not Applicable.

5. Does your Agency utilize a separate track for simple requests?

Yes.

6. 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 2022?

The Agency overall average number of days to process simple requests was three (3) days.

7. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

Not Applicable.

8. Please provide the percentage of requests processed by your Agency in Fiscal Year 2022 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.

39%

9. 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.

C. Backlogs

BACKLOGGED REQUESTS

10. If your Agency had a backlog of requests at the close of Fiscal Year 2022, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021?

CSOSA did not have a backlog at the close of FY21 nor FY22.

11. If not, according to Annual FOIA Report Section XII.D.1, did your Agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?

Yes.

12. If your Agency's request backlog increased during Fiscal Year 2022, 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:

Not Applicable.

- 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)

- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible

13. 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 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your Agency has no request backlog, please answer with “N/A.”

Not Applicable.

BACKLOGGED APPEALS

14. If your Agency had a backlog of appeals at the close of Fiscal Year 2022, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021?

Not Applicable.

15. If not, according to section XII.E.1 of the Annual FOIA Report, did your Agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021?

Not applicable as CSOSA did not have a backlog at the close of FY 2022. With that said, the Agency processed a total of four (4) appeals in FY 21 and one (1) appeal in FY22.

16. If your Agency’s appeal backlog increased during Fiscal Year 2022, 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:

Not Applicable.

- 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)
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible

17. 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 2022. 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. This number can be greater than 100%. If your Agency did not receive any appeals in Fiscal Year 2022 and/or has no appeal backlog, please answer with "N/A."

Not Applicable.

D. Backlog Reduction Plans

18. In the 2022 guidelines for Chief FOIA Officer Reports, any Agency with a backlog of over 1000

requests in Fiscal Year 2021 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 2022?

Not Applicable.

19. If your Agency had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your Agency's plan to reduce this backlog during Fiscal Year 2023.

Not Applicable.

E. Reducing the Age of Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

20. In Fiscal Year 2022, did your Agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report?

The Agency did not have any FY21 ten oldest requests

21. 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 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Not Applicable.

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

Not Applicable.

TEN OLDEST APPEALS

23. In Fiscal Year 2022, did your Agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2021 Annual FOIA Report?

The Agency did not have any FY 21 ten oldest appeals.

24. 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 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Not Applicable.

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

Not Applicable.

TEN OLDEST CONSULTATIONS

26. In Fiscal Year 2022, did your Agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report?

The Agency did not have any FY 21 ten oldest appeals.

27. 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 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Not Applicable.

ADDITIONAL INFORMATION REGARDING TEN OLDEST

28. If your Agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your Agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2023.

Not Applicable.

F. Additional Information about FOIA Processing

29. Were any requests at your Agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your Agency’s overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.

The Agency did not have any FOIA litigation during the reporting period FY22.

30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your Agency’s FY22 raw data).

Not Applicable.