




**Executive Services Directorate  
Directives Division**

**FOID Monthly Update**  
June 2015

Request Types	Requests Received	Requests Closed	Requests Pending (Includes Requests on Hold)	Requests Overdue
Consultation	166	158	222	206 (196 on 1 Oct 15) +10
FOIA	1350	1218	1463	1362 (1178 on 1 Oct 15) +184
FOIA/PA	0	0	0	0
PA	0	2	1	1
TOTAL	1516	1378	1686	1569

- 7 of the 10 oldest FOIA requests have been closed
- 5 of the 10 oldest consultations have been closed
- Spotlight cases:
  - 15-F-1302: Reuters News by John Shiffman
    - Requesting Report prepared by the Uniformed Services University of Health Sciences - Interim Response to requester June 18, 2015--Report of Investigation of Operational and Emergency Medical Skills (OEMS) Course, Dated 16 December 2013: 27 pages.
    - Remaining exhibits (approximately 365 pages) still in process (Note-recent Washington Post article on the doctor concerned pulling his Virginia medical license pulled)
  - 15-F-1287: Chelsea E. Manning (Fort Leavenworth, KS)
    - Request for a copy of DoDD 5240.02, Department of Defense Counterintelligence Program.
    - There is not a DoD "I" 5240.02 (as requested), but there is a DoD "D" 5240.02, same subject, which is cleared for Public Release
  - RE: 15-F-0774 Sidley Austin by Hemmersbaugh – Jill Kelley
    - Coordinated with DOJ to ensure no overlap with Privacy Act Lawsuit
    - Process ongoing for release in the next weeks

- Bales' requests, Ashton/Tacoma News Tribune: Report not releasable due to judicial appeal of completed court martial; USCENTCOM has just received several more request from different requesters for the same report (15-6 investigation).
- "Sai": Submitted request to OFOI and several other DoD components. "Sai" refuses to supply a postal address as required by DoD Directive for his FOIA request to be perfected and processed.
- Oldest Ten Appeals: Six/ten oldest cases still open; one of the six is in the front office for review and signature by DA.
- Lost document—Joint Staff cannot find responsive doc in Oldest case (never provided record due to DIF, destroyed IAW dispo sked)
  - Seeking JS accountability
  - Have conducted searches in JS, RDD, DPMO.
  - 

(b)(5)



- Team A: 19 open litigation cases; 3 cases on rolling releases
- Team B cases: 18 open litigation cases
  - ICB IV (GTMO detainees) totals 6 FOIA cases/Leopold--myriad of records on GTMO/Detainees totals 18 FOIA cases—next release due July
  - 4 court-ordered rolling releases for Leopold cases; next release due in July
  - Brooks case concerning Hicks/former GTMO Detainee: rolling 8 week releases
  - Center for Constitutional Rights/Gaza Strip Flotilla: Next court ordered release in August.
- Team C: 20 open referrals/consultations: 7 new referrals/consultations over the last 2 weeks
  - Institute of Policy Studies for information pertaining to Pablo Escobar: CIA referral of 7000 pages, monthly rolling production
  - 3 releases already made totaling over 1600 pages.
  - 11 DoD Components require review, 6 outstanding component reviews left and those still require extensive coordination throughout the government and DoD
  - Plaintiff's threatening the government with contempt if records are not completed soon.

OFOI:

- Continued focus on oldest 10 Initials, Consultations
- Department of State has advised that 15 Secretary Clinton Emails to be forwarded for OSD review, anticipate receipt this week
- Upcoming release to Jill Kelley's lawyers of records released to Washington Post

Appeals:

- Resolution of Lost Document, focus on remaining 6 "Oldest 10 cases"
- FOID Chief memo to lagging components going out by EOM June.

Litigation Support: Litigation Support Contract.

- The PWS, IGCE and Funding document completed, now with contracting.
- Going out for Solicitation for Bids NET July 15, out for 4 weeks (aiming at 4 Sept NLT Award date)
- For 7 additional contractors; contract shortened to 1 year Plus 2; total 15 contractors for 3 years
- Replacement for AO going on active duty

- GS-11/12 Selectee, Pending SQA/leave accruals, Position vacant since Feb 2015 (OFOI)
- GS-11/12 Selectee, Pending SQA/leave accruals, Position vacant since Nov 2014 (LSO)
- GS-12/13 Vacancy, Job announcement posted 22 June/closes 29 June (OFOI)
- GS-12/13 Vacancy, Job announcement posted 22 June/closes 29 June (OFOI)
- (b)(6) USAF Reservist Currently supporting Litigation Support Office:  
29 June - 29 July active duty, USSTRATCOM; Mid-August to Early January 2016 - active duty (verbally advised supervisor that (b)(6) will be issued orders)
- Computer Support: 2- Top Secret stand-alone computers require hardware & software upgrades; Requests submitted to EITSD for upgrades - no action to date





- FOID:
  - Personnel shortfalls, train-ups affect backlog reduction
  - Space accommodations needed sooner than expected due to LSO contract
- Litigation Support:
  - Personnel Turbulence, increasing backlog, has short term work, morale effect
  - Looming perfect storm of court dates?
- Appeals:
  - Oldest 10 Appeals require early submission to DA for closure prior to 30 September
- OFOI:
  - Unlikely to achieve backlog reduction this year



Washington Headquarters Services  
**Executive Services Directorate**

**Directorate Overview**

October 9, 2015

## **Freedom of Information Act (FOIA)**

- **Responds to FOIA requests sent to OSD & Joint Staff**
- **Responds to FOIA appeals for OSD/JS/COCOMS/Separate Agencies**
- **Support to OGC for pending FOIA Litigation**
  
- **Initial Requests: Meet White House/Executive Branch Goals (as articulated by DOJ)**
  - **Close 10 Oldest Initial Cases**
  - **Close 10 Oldest Consultations**
  - **Reduce Backlog**
  - **Customer (requestor) feedback: Gauged by # of appeals, litigation; also by requestor complaints**
- **Appeals: Meet White House/Executive Branch Goals**
  - **Close 10 Oldest Cases**
  - **Reduce Backlog**
  - **Customer (appellant) feedback: Gauged by # of litigations**
- **Litigation Support: Support OGC in meeting all DOJ Litigation Requirements**
  - **Meet ALL Court imposed timelines**
  - **Customer (courts) feedback: Gauged by contempt citations avoidance**

## **Freedom of Information Act (FOIA) Efficiencies**

### **▪ Past**

- Activating Automated Public Access Link (PAL) for FOIA requests**
- Insourcing Action Officer billets**
- Devolving signature authority appropriately**
- Increasing automated FOIA Tasking**
- Exploiting ESD Records Management capability for FOIA searches**
- Capitalizing on “Government Information Specialist” Personnel series (0306)**

### **▪ Future**

- Improving FOID Website to include E-Reading Room access**
- Expanding of OGC’s Litigation Support Contract**
- Increasing FOIA Training at all levels**
- Permitting Cross-domain transfer by FOIA AO’s IAW IT Cybersecurity**





## **Executive Services Directorate**

**FOID  
Monthly Update  
November  
2015**

- Office of Freedom of Information (OFOI):
  - 1 of 10 oldest FOIA requests for FY16 has been closed
  - 1 of 10 oldest consultations for FY16 has been closed
  - Consultations Backlog increased 2 cases (1% increase)
  - Initials Backlog increased 41 cases (3% increase)
  
- Appeals Office:
  - One of Oldest 10 in for signature
  - All but 2 Oldest 10 Appeals tasked
  - Protracted focus on Backlog Reduction
  
- Litigation Support Office
  - Continued support to OGC in rolling releases: Klayman, APPG
  - Continuing work on other rolling releases
  - Processed 818 pages of 1286 pages of DOS HRC Emails
  - Continued integration of 10 contractors on new contract into LSO structure
  - Continued monitoring of contract shortfalls (5 contractors, suspenses)

- **OFOI:**
  - Continued focus on oldest 10 Initials, Consultations
  - Continuing to investigate CATMS as a FOIA tasking and tracking application
  
- **Appeals:**
  - Continued focus on Oldest 10 Appeals
  - Focus on Backlog Reduction of 5-10%
  
- **Litigation Support Office:**
  - Rolling Releases due in November:
    - Aloysia Brooks vs DoD et al.
    - All Party Parliamentary Group (APPG) Extraordinary Rendition vs DoD et al.
    - Judicial Watch vs Department of Defense et al.
    - Freedom Watch vs Department of Defense et al.,
    - Accuracy in Media, Inc. vs Department of Defense et al.
  - Continue processing DOS HRC E-mails—Anticipate high volume in November
  - Major releases due in January also require work in November
  - Five Contract personnel in the pipeline

- New Personnel: (b)(6) arrived 02 November
- Cert received for GS-11/12 position (b)(6) replacement)
- Potential for retirement identified
- (b)(6) USAF Reservist currently at large: Mid-August to Early January 2016 - Active Duty Overseas
- Space concerns not resolved



- Administrative Instruction (AI) 108: under review with DOD OGC for legal sufficiency review
- DOD Directive 5400.07, "SUBJECT: DoD Freedom of Information Act (FOIA) Program" expired 2 Jan 15; re-write on hold in O&C Transparency Office

- Backlog reduction not programmable
- HRC e-mail consultations destabilize Litigation processing
- (b)(6) clearance status a serious shortfall
- De-layering Performance Plan overload will be taxing



## **Executive Services Directorate**

**FOID  
Monthly Update  
20 June  
2016**



- Office of Freedom of Information (OFOI) — March summary:
  - Last month workload = 1884 (increase of 26 cases)
  - 5 of 10 oldest FOIA requests for FY16 have been closed (+1)
  - 6 of 10 oldest consultations for FY16 have been closed
  - Office continues to restructure and redistribute caseload amongst the 9 Action Officers and one contractor who process cases
  
- Appeals Office:
  - 5 of Oldest 10 Closed (+1)
  - All of Oldest 10 Appeals tasked
  - Production in May = 14 Closures (Backlog increase of 6)
  - FOIA Policy Chief out most of June: minimal closures since May
  - 10+ Appeals submitted (or “re-submitted”) to FOIA Policy Chief last week
  
- Litigation Support Office:
  - 61 Total Litigations (-4 from April report)
    - Two new Litigations re: Jaber, Cause of Action (SD Travel on AF1)
    - Five new litigation referral/consultations
    - 11 Referral/consultations responded and closed
  - Continued integration of 1 New Contractor into LSO structure—back to 14 for 1 week



- OFOI:
  - Attenuated focus on oldest 10 Initials, Consultations, and Backlog Reduction
  - CATMS for FOIA tasking and tracking a mixed outcome
- Appeals:
  - Appeals processing on hold with FOIA Policy Chief on emergency leave for most of June, regular leave now
  - Re-drafted Appeals letters in effect
  - Continued focus on tasking Appeals
- Litigation Support Office:
  - Anticipate short response timeline to new Jaber case (Kel McClanahan)
    - 4 August response of “non-Glomared” responsive records
    - 19 September deadline for final submissions
  - Awaiting Rolling release dates in July from OGC
  - Contract personnel holding at 14

- OFOI Personnel
  - No replacement for Retiring OFOI GS-8, future GS-14 departure
  - Short 2 Fed positions, working with (b)(6) to advertise
  - Anticipating new contract database administrator
- Appeals “Tasking” action officer proposed by QualX—tentative arrival put off to 27 June due to space limitations
- LSO Personnel:
  - Short one Fed--(b)(6) moved to replace (b)(6)
  - Short one Fed
  - 14/15 contract personnel on board
- Billets for reduction (GS-14 and 13) vice elimination identified—one reclama
- Space concerns not resolved—02F09 maxed out with addition of contractor, RDD personnel

- Administrative Instruction (AI) 108: As of last week, submitted to Directives Division

- No more space
- Backlog reduction not programmable   
 (b)(5)
- Personnel Impact:
  - Going from 29 to 27 Personnel impacts OFOI and LSO
  - Grade reduction bad for morale, professional development
  - My focus is on maintaining Division morale and function as opposed to meeting metrics
- No more space