

DOJ FOIA Guidance on Submitting Backlog Reduction Goals

**Guidance on Submitting Backlog Reduction Goals for Fiscal Years 2008, 2009, and 2010:** "As part of the June 1, 2007 report to the President on agency progress under **Executive Order 13,392**, "Improving Agency Disclosure of Information," the Attorney General recommended that any agency that has a FOIA request or administrative appeal pending beyond the statutory time period (i.e., a backlog) at the end of Fiscal Year 2007, should establish backlog reduction goals for the next three fiscal years. These goals are required to be posted on each agency's FOIA web site by November 1, 2007."

**To: Agency Chief FOIA Officers**

**From: Office of Information and Privacy, Department of Justice**

**Date: September 6, 2007**

**Subject: Backlog Reduction Goals for FY08, FY09, and FY10 in furtherance of Executive Order 13,392, "Improving Agency Disclosure of Information"**

**This memorandum provides guidance to agencies on the establishment and publication by November 1, 2007, of backlog reduction goals for each agency for Fiscal Years 2008, 2009, and 2010. Any agency that has a request or appeal pending beyond the statutory time period as of the end of Fiscal Year 2007 is required to establish and publish these goals.**

**BACKGROUND:**

**On June 1, 2007, the Attorney General, in consultation with OMB, issued his second report to the President pursuant to Executive Order 13,392. In accordance with Sec. 4(a) of the Executive Order, the Attorney General's report includes recommendations for improving agency FOIA administration. One of those recommendations requires each agency that has a request or appeal pending beyond the statutory time period (i.e., a backlog) at the end of Fiscal Year 2007 to establish backlog reduction goals for Fiscal Years 2008, 2009, and 2010. Each agency is required to establish these goals by November 1, 2007, and publish them on the agency's web site.**

**REQUIREMENTS:**

**I. Timing for establishing Backlog Reduction Goals for FY08, FY09, and FY10.**

In order to appropriately ensure that agency backlog reduction goals incorporate the requirements detailed below, each agency must submit a draft of their goals to the Department of Justice, Office of Information and Privacy (OIP), for review by October 19, 2007.

After review by the Department of Justice, each agency must post the backlog reduction goals to its FOIA web site by November 1, 2007.

## **II. Establishing the Backlog Reduction Goals for FY08, FY09, and FY10.**

As noted above, any agency that has any request or appeal pending beyond the statutory time period at the end of FY07 is now required to establish backlog reduction goals for Fiscal Years 2008, 2009, and 2010, and publish such goals on the agency's web site. Those goals are required to be expressed in two distinct ways.

First, each agency must set a goal for the number of requests and the number of appeals that it plans to process during each fiscal year from 2008 through 2010. Second, each agency must set a goal for the number of requests and the number of appeals that the agency estimates will be pending beyond the statutory time period (i.e., backlog) at the end of each fiscal year from 2008 through 2010.

Currently, in Section V of each agency's annual FOIA report, agencies report both the number of requests pending as of the end of the preceding year, and the number of requests that were processed during the current fiscal year. In Section VI of the annual FOIA report, agencies currently report on the number of appeals processed during the preceding year. In light of the Executive Order's focus on reducing the number of requests pending beyond the statutory time period (i.e., backlog), the new backlog reduction goals for Fiscal Years 2008 through 2010 represent the agency's plans for reducing its backlog during the next three fiscal years. When developing their goals for reducing their backlogs during this period, agencies necessarily must prepare an estimate of the number of requests and appeals that will be received during each of those years.

In order to comply with this requirement all agencies should follow the uniform template set out below.

## **III. Template.**

The [insert agency name] establishes the following goals with respect to the numbers of FOIA requests and administrative appeals to be processed for the next three fiscal years as well as the number of requests and number of appeals it expects to be pending beyond the statutory time period at the end of each fiscal year for Fiscal Years 2008, 2009, and 2010.

**Requests**

<b>Fiscal Year</b>	<b>Number of Pending Requests at Beginning of FY</b>	<b>Estimated Number of Requests Incoming During FY</b>	<b>Agency's Goal for Number of Requests to be Processed During FY</b>	<b>Agency's Goal for Number of Requests Pending Beyond Statutory Time Period (i.e., Backlog) at End of FY</b>
<b>2008</b>				
<b>2009</b>	<b>Use # from last column above</b>			
<b>2010</b>	<b>Use # from last column above</b>			

**Appeals**

<b>Fiscal Year</b>	<b>Number of Pending Appeals at Beginning of FY</b>	<b>Estimated Number of Appeals Incoming During FY</b>	<b>Agency's Goal for Number of Appeals to be Processed During FY</b>	<b>Agency's Goal for Number of Appeals Pending Beyond Statutory Time Period</b>

				(i.e., Backlog) at End of FY
2008				
2009	Use # from last column above			
2010	Use # from last column above			

#### IV. Submitting the Backlog Reduction Goals for Review.

By October 19, 2007, the draft of your agency's backlog reduction goals should be submitted for review by the Department of Justice, OIP. The draft should be sent by e-mail to Kenneth A. Hendricks at the following e-mail address: [kenneth.a.hendricks@USDOJ.gov](mailto:kenneth.a.hendricks@USDOJ.gov), with a copy provided to Thomas E. Hitter at the following e-mail address: [thomas.e.hitter@USDOJ.gov](mailto:thomas.e.hitter@USDOJ.gov). After review by the Department of Justice each agency must publish its backlog reduction goals on its agency's FOIA web site by November 1, 2007. Please note that agencies will not be submitting these goals to the President's Management Council.

Agencies with questions regarding this matter should contact Ken Hendricks or Tom Hitter at the Department of Justice at (202) 514-3642.