



**Central Intelligence Agency
2017 Chief Freedom
of Information Act
Officer Report**

Fiscal Year 2016

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General'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 Training

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

- Yes.

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

- CIA public access professionals attended a day-long internal training course entitled Information Disclosure Laws, which provides a substantive understanding of how laws and executive orders apply to the CIA with regards to reviewing, declassifying, and releasing information to the public. In 2016, CIA public access professionals attended both occurrences of the IC FOIA Officers Information Day hosted by ODNI. This biannual conference provides opportunities for interagency discussions of issues impacting IC FOIA programs and equity recognition training.

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

- Ninety percent.

4. 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.

B. Outreach

5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

- CIA officers attended the annual conference sponsored by the American Society of Access Professionals. This provides them with the opportunity to hear what transparency advocates have to say about FOIA administration at the federal level. Our professionals also follow a website maintained by open government groups and FOIA advocates to spot developments that affect CIA's public access programs.
- CIA FOIA professionals routinely engage with members of the public in order to clarify and properly scope requests. In one example, a requester submitted multiple requests for Agency records on a specific event. CIA FOIA professionals corresponded with the requester via email and explained that the processing of her requests would be facilitated by combining them into one request.
- Our electronic reading room provides helpful tips on how to compose effective FOIA requests. Requesters seeking additional information not found on CIA.gov may use our FOIA hotline at (703) 613-1287, which is staffed during routine business hours when the US Government is open. In Fiscal Year 2016, we will also established an email address (cia_foia@ucia.gov) which requesters may use to contact us directly.

6. If you did not conduct any outreach during the reporting period, please describe why.

- The CIA conducted outreach.

C. Other Initiatives

7. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?

- CIA attorneys and public access professionals have taken efforts to sensitize line components to the Agency's statutory requirements under the FOIA. Briefings were provided to front office executive assistants and record managers. An internal training course on Information Disclosure Laws is available to the workforce. In Fiscal Year 2016, we established an internal FOIA page on our website that provides all of our components with news and relevant information concerning FOIA.

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

- The CIA's Historical Review Program (HRP) conducts an annual review to evaluate potential collections for discretionary release. This process involves input from Agency historians and members of the academic community to identify topics of historical significance. The program office then researches and reviews the selected material. National security risks that may arise from declassification are carefully weighed against the benefits of disclosure. Based on this evaluation and the

availability of resources, the Agency makes a determination on processing a collection for discretionary release. Public and professional interest in specific topics are also considered, as judged by a number of searches on the FOIA website, the number of publically available HRP booklets requested, and inquiries at HRP document release and outreach events.

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

The DOJ's 2009 FOIA Guidelines emphasized 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 your 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.

A. Processing Procedures

1. For Fiscal Year 2016, 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 2016 Annual FOIA Report.

- CIA maintained an average of 1.63 calendar days to adjudicate requests for expedited processing in fiscal year 2016.

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.

- Not applicable.

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.

- We use a number of methods to continually assess and improve our FOIA program. Based on our our annual report data, we established an internal strategic objective of striving to close a greater percentage of "simple track" requests within 20 days. We hold weekly production meetings to identify efficiencies in our processes and opportunities for greater customer outreach. Each supervisor within our FOIA office

has access to a workflow tracking tool that updates on a daily basis providing near real-time information on the status of all open FOIA cases.

4. Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

- We are unable to provide the exact number of requests our agency processed in Fiscal Year 2016 that were from commercial use requesters. Our current electronic FOIA records system cannot track FOIA requesters based on fee categories. While the preponderance of our fees are administratively waived, our estimate would be that approximately 25 requests in Fiscal year 2016 were from commercial use requesters.

B. Requester Services

5. Does your agency provide a mechanism for requesters to provide feedback about their experience with the FOIA process at your agency? If so, please describe the methods used, such as making the FOIA Public Liaison available to receive feedback, using surveys posted on the agency's website, etc.

- In our final response letters to requesters, we inform them they may seek dispute resolution services from the CIA's FOIA Public Liaison and provide the phone number by which the Liaison may be reached.

6. 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 how often requesters sought assistance from your agency's FOIA Public Liaison.

- There were no instances in Fiscal Year 2016 in which requesters sought assistance from our FOIA Public Liaison.

7. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.

- The guide for requesting records or information from our agency can be located here: http://www.foia.cia.gov//foia_request

C. Other Initiatives

8. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

- The FOIA program office uses process improvement teams to assess the efficacy of CIA's case management and document review practices. Internal business process reviews have identified redundancies in case/document processing that, after having been eliminated, produced a more streamlined, efficient workflow.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President's and DOJ's FOIA memoranda 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.

A. Posting Material

1. Describe your Agency's process or system for identifying "frequently requested" records that should be posted online.

- It is CIA's intention to post online all records released under our FOIA program. We do give priority to items that, per our FOIA logs, are frequently requested. In Fiscal Year 2017, we will be pursuing a release to one is a release to all policy by responding to all public access requesters through the electronic reading room on our public website.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

- Yes, as detailed in an earlier question, our Historical Review Program identifies and releases collections of significant historical interest. Our FOIA office also meets twice a year with the Director, CIA's Historical Review Panel. Composed of noted academics, this panel advises our agency on topics of significant historical and topical interest that should be released to the public.

3. Has your Agency encountered challenges that make it difficult to post records you otherwise would like to post?

- No.

4. If so, briefly explain those challenges and how your agency is working to overcome them.

- Not applicable.

5. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

- Through our Historical Review Program, in August 2016, the CIA released previously classified President's Daily Briefings (PDB) from the Richard Nixon and Gerald Ford Administrations. An event commemorating this release was held at the Richard Nixon Presidential Library and Museum in Yorba Linda, California and was open to the public. The event featured panel discussions and remarks by CIA Director John Brennan, Director of National Intelligence James Clapper, senior Intelligence Community historians, and leaders from the academic and archivist communities. The approximately 2,000 newly released documents were posted on the CIA website the day of the symposium and can be located at <http://www.foia.cia.gov>

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

- Yes, the CIA's Office of Public Affairs issued a press statement in conjunction with the PDB release at the Nixon Library. Our social media coordinator has also used the CIA Twitter account to publicize FOIA and discretionary releases. In addition to posting the latest news, statements, and career information from CIA, the Agency's social media updates feature artifacts and other information from the CIA Museum. CIA posts updates and information from the Agency's "World Factbook," a unique public resource and educational tool, as well as unclassified intelligence histories and other information.

B. Other Initiatives

7. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

- In Fiscal Year 2017, 13 million pages of records processed by the 25-year automatic declassification program will be posted to the electronic reading room on our public website. This material was previously only available on stand-alone computer systems located at NARA. The CIA makes every effort to increase the number of records provided to the public at large.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." 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 describes your agency's efforts in this area.

A. Making Material Posted Online More Useful

1. 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

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

- CIA IMTOs are currently focused on establishing a strong foundation for our website to ensure high availability. A senior level developer has been assigned to the FOIA team which provides us with the ability to complete more complex work in a shorter period of time. The site is now hosted on the amazon commercial cloud which provides high availability. Our website team has identified technical backlog items that need to be addressed to further increase the security and scalability of the FOIA site. These improvements will allow for the future hosting of larger collections of documents.

3. Have your Agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

- In addition to working with CIA IMTOs as outlined in the answer to question 2, above, the CIA FOIA team this past year interacted with the Office of Public Affairs and the manager of the CIA Twitter account to publicize the public release of information.

B. Use of Technology to Facilitate Processing of Requests:

4. Did your Agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools?

- CIA public access professionals participated in a day-long refresher on the primary database used to administer FOIA requests. This is an annual mandate to ensure their case management skills remain sharp.

5. Beyond using technology to redact documents, is your agency taking steps to use more advanced technology to facilitate overall FOIA efficiency, such as improving record search

capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and duplicate documents? If yes please describe:

- The technological improvements being made.
- The impact of using these technologies on your agency's request processing.
- Technological improvements, such as increased search capabilities and machine learning to assist in document review and redaction, are currently being investigated and assessed as part of our technology advancement discussions.

6. Are there additional tools that could be utilized by your agency to create further efficiencies?

- Incorporating machine learning into what is today a chiefly human-resourced effort could increase the Agency's efficiency in the processing of public access requests.

C. Other Initiatives

7. Did your agency successfully post all four quarterly reports for Fiscal Year 2016?

- Yes.

8. 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 2017.

- Not applicable.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The President's FOIA Memorandum and the DOJ's 2009 FOIA Guidelines have 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 2016 Annual FOIA Report and, when applicable, your agency's 2015 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?

- Yes.

2. If so, for your agency overall in Fiscal Year 2016, was the average number of days to process simple requests twenty working days or fewer?

- No, CIA processing of simple track requests averaged 38.72 days in fiscal year 2016.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.

- Simple track requests made up 57% of CIA's FOIA requests.

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.

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 2015 and Fiscal Year 2016 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 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015?

- CIA's FOIA backlog of still pending requests increased in fiscal year 2016.

6. If not, 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.
- CIA public access professionals were also faced with a number of competing priorities, primarily non-FOIA review requests from components within the organization. As with other agencies, CIA is receiving requests seeking large volumes of administrative files or entire repositories of records. These can be complex and are resource intensive to process. High priority FOIA litigation reviews also drew resources away from reducing the backlog.

7. 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 2016.

- Forty nine percent.

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able to reduce the backlog.

- CIA reduced its FOIA backlog of still pending appeals requests in fiscal year 2016.

9. If not, 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.

10. 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 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

- Seventy-nine point five percent (79.5%).

C. Backlog Reduction Plans

11. In the 2016 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2015 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 2016?

- CIA did not implement a backlog reduction plan last year. Our backlog in Fiscal year 2015 was under 1,000 requests.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2016, what is your agency's plan to reduce this backlog during Fiscal Year 2017?

- CIA public access professionals are committed to transparency and responsiveness. We are evaluating our FOIA business processes with an increased focus on customer service. However, limited and decreasing resources, in conjunction with increased demand and competing priorities, may impede on our ability to significantly reduce our FOIA backlog.

D. Status of Ten 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 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

13. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

- No.

14. 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 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- CIA closed one of its ten oldest requests in Fiscal Year 2016.

15. 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.

TEN OLDEST APPEALS

16. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

- No.

17. 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 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

- CIA closed four of its ten oldest appeals in fiscal year 2016.

TEN OLDEST CONSULTATIONS

18. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

- No.

19. 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 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

- CIA closed one of its ten oldest consultations reported pending in our Fiscal Year 2015 Annual FOIA Report.

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

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.

- Documents that incorporate highly classified material warrant more intense scrutiny and require more levels of review and internal collaboration. The holdouts from our ten oldest requests and appeals lists require extensive consultations as the documents contain information that originated with other federal agencies.

21. 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.

- 1) Request received: 8/11/2006; Consult sent:7/9/2015; last contact: 12/7/2016
- 2) Request received: 11/14/2006; Consult sent: 8/1/2016; last contact: 11/31/2016
- 3) Request received: 4/16/2007; Consult sent: 3/11/2016 last contact: 12/8/2016
- 4) Request received: 5/21/2007; Consult sent: 7/30/2012; last contact: 10/8/2016
- 5) Request received: 5/21/2007; Consult sent: 7/30/2012; last contact:10/8/2016
- 6) Request received: 5/21/2007; Consult sent: 7/30/2012; last contact:10/8/2016
- 7) Request received: 11/14/2008; Consult sent: 3/14/2016; last contact:
12/15/2016

22. 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 2017.

- CIA’s FOIA program office compiles a list of our 10 oldest requests, appeals, and consultations early in the current fiscal year. We use this list to track progress and identify opportunities to advance each case toward closure. We also alert internal partners and external ones when circumstances warrant to assign a higher priority to these thirty requests.

F. Interim Responses

23. Does your agency have a system in place to provide interim responses to requesters when appropriate? See OIP Guidance, “The Importance of Good Communication with FOIA Requesters.” (Mar. 1, 2010)

- CIA provides interim responses when appropriate.

24. If your agency had a backlog in Fiscal Year 2016, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

- While CIA does not have a mechanism in place to track this, we do provide interim responses on an ad hoc basis. The CIA provided one interim response in Fiscal Year 2016.

G. Success Stories

Out of all of the activities undertaken by your agency since March 2016 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 efforts. The

success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. 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.

- CIA released 10,752 documents—either wholly or with excisions—through public access requests in fiscal year 2016.
- This declassified material included 66,169 pages. The release rate for the total number of pages reviewed by CIA in fiscal year 2016 was 81 percent.
- All five volumes of the Agency’s Official History of the Bay of Pigs Operation are now posted on the Electronic Reading Room of our public website. Between 1979 and 1984, CIA staff historian Jack Pfeiffer prepared the volumes discussing the CIA’s ill-fated April 1961 attempt to implement national policy by overthrowing the Castro regime in Cuba. The fifth volume, released in Fiscal Year 2016, is a never completed draft volume, *CIA’s Internal Investigation of the Bay of Pigs*. Volumes 1-4 were previously declassified and released by the CIA.
- The President’s Daily Briefings (PDB) release event at the Richard Nixon Presidential Library was a resounding success. This unique event followed a similar one held at the Lyndon Johnson Presidential Library in fiscal Year 2015. As a result of these two events, the CIA proactively released the majority of the PDBs produced during the Kennedy, Johnson, Nixon and Ford administrations. Nearly 5,000 presidential briefing products, the first large-scale release of its kind, are now available on our public website.
- The CIA worked closely with the Department of State and the National Security Council to proactively release documents to the American public and the Government of Chile related to the 40th anniversary of the assassination of former Chilean Foreign Minister Orlando Letelier and Ronnie Moffitt. In particular, the release of a formerly classified CIA memo was the focal point of the release that had a very positive impact on U.S. relations with Chile.