



**Central Intelligence
Agency
2024 Chief Freedom of
Information Act (FOIA)
Officer's Report**

March 2023 - March 2024

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Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Attorney General's FOIA Guidelines is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

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. See 5 U.S.C. § 552(j)(1) (2018). 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.

- Jennifer Ewbank, Deputy Director of CIA for Digital Innovation

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?

- The CIA's mission is to protect the Nation and advance its national security interests. In order to achieve this mission, we must maintain the Nation's trust through accountability and oversight. At the heart of performing this mission, transparency through our public access programs stands at its core. This balance is incorporated into the Agency's strategic direction and is reflected in various imperatives to support the technology and work done in implementing the FOIA.

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?

- No. The majority of the CIA's withholdings are based on exemptions 1 and 3. Exemption 1 protects from disclosure information that has been deemed classified under criteria established by an Executive order. A harm standard is inherent in the determination that information is classified. The foreseeable harm standard does not apply to information withheld pursuant to exemption.

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. If your agency tracks Glomar responses, please provide:

the number of times your agency issued a full or partial Glomar response (separate full and partial if possible);

- CIA does not track Glomar responses.

The number of times a Glomar response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

- Not Applicable

6. If your agency does not track the use of *Glomar* responses, are you planning to track this information in the future?

- No

7. 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.

- CIA continues to work with several other partners to ensure openness and transparency, including the CIA Transparency Officer, the CIA Office of Privacy and Civil Liberties, the National Archives and Records Administration's Office of Government Information Services (OGIS), and the Interagency Security Classification Appeals Panel (ISCAP).

Section II: Ensuring Fair and Effective FOIA Administration

The Attorney General's FOIA Guidelines provide that "[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce." The Guidelines reinforce longstanding guidance to "work with FOIA requesters in a spirit of cooperation." The Attorney General also "urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency's FOIA administration" as part of 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 duties of CIA's component Training Officer include ensuring timely and updated FOIA training and training resources are available to our personnel.

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

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

- CIA FOIA professionals attended internal training courses, such as a course focused on substantive understanding of the legal frameworks applicable to the CIA with regards to reviewing, declassifying, and releasing information to the public, and a course that provides an understanding of the FOIA statute, amendments, and case law. Other refresher training is provided to address processing and technological improvements and FOIA issues related to the CIA's unique equities and business.
- CIA FOIA professionals attend conferences, meetings, and professional networking functions focused on the FOIA and information review and release issues. During the reporting period, CIA personnel attended several of the DOJ/OIP's virtual training sessions to keep abreast of the latest changes and developments in the field.

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.

- 100%

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?

- CIA attorneys, information management officers, and public access professionals have made efforts to inform components of the Agency's statutory requirements under the FOIA. CIA FOIA personnel provide briefings to senior officers, executive assistants, and records managers; web-based courses are available to all CIA personnel.

B. Outreach

7. 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, the CIA FOIA office continues to reach out to requesters to provide status updates, answer other processing-related questions, and to seek clarification from requesters with respect to scoping of requests.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? 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.

- CIA did not engage in outreach or dialogue with the requester community or open government groups outside the standard request process.

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).

- CIA did not receive any requests for assistance from the CIA FOIA Public Liaison in Fiscal Year 2023.

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.

- CIA continually assesses current and anticipated FOIA demands in relation to the allocation of its resources. Through the use of regular reporting and metrics, resources can be surged or reallocated as needed. The office responsible for processing public access requests has recently implemented a large-scale reorganization to assess product line-related workloads and more effectively facilitate the allocation of resources across programs.

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.

- Production metrics are used to track progress against both quarterly and yearly targets. These metrics are utilized by both review and case management professionals to quickly view current progress in order to best meet production goals by making adjustments to workforce priorities.

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

- FOIA-related performance standards are included in the performance objectives of employees whose duties involve administering and implementing the FOIA program.

Section III: Proactive Disclosures

The Attorney General's FOIA Guidelines emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."

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

- CIA regularly posts records that have been requested at least three times. In fact, we post all FOIA responses, regardless of the number of times requested.

2. How long after identifying a record for proactive disclosure does it take your agency to post it?

- CIA posts records released through FOIA on its Electronic Reading Room on a monthly basis.

3. Does your agency post logs of its FOIA requests? * If so, what information is contained in the logs? * Are they posted in CSV format? If not, what format are they posted in?

- No

4. 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.

- CIA posts all records released through FOIA unless there are issues that would negate posting to the CIA website. (<https://www.cia.gov/readingroom/>).
- Additionally, in Fiscal Year 2023, the CIA Historical Programs Staff (HPS) released special additional records through its Discretionary Release Program:
 - Articles covering the coup in Chile that appeared in the President's Daily Brief on 8 September 1973 and 11 September 1973. These can be found on the Electronic Reading Room as part of the special collection President's Daily Brief 1969-1976

5. 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

6. 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.

- Since the redesign of the CIA website in 2020, which included updates to the CIA Electronic Reading Room, the CIA FOIA office has continued to review and assess the organization of records available in the CIA Electronic Reading Room, and consider how to increase the accessibility of current and future records and improving the overall website user experience. CIA currently posts in PDF format on the Electronic Reading Room.

7. 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 CIA FOIA office collaborates closely with IT personnel to facilitate the posting of records to the CIA's Electronic Reading Room.

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

Section IV: Steps Take to Greater Utilize Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's FOIA Guidelines emphasize the importance of making FOIA websites easily navigable and complying with the FOIA.gov interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

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

- Yes

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

- See answer to Question 3.

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.

- Yes. CIA continues to investigate and test Artificial Intelligence/Machine Learning tools to assist the review process, as well as its applicability for integration into our production systems. We are currently utilizing such capabilities as entity extraction and pattern and duplicate detection, which is intended to support redaction consistency.

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

5. Did all four of your agency's quarterly reports for Fiscal Year 2023 appear on FOIA.gov?

- Yes.

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 2022 Annual FOIA Report and, if available, for your agency's Fiscal Year 2023 Annual FOIA Report.

- CIA's Fiscal Year 2022 Annual FOIA Report is located at: <https://www.cia.gov/readingroom/foia-annual-report>.
- CIA's Fiscal Year 2023 Annual FOIA Report and the raw data will be posted at the same site when available.

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.

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

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

The Attorney General's FOIA Guidelines instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first-party requested records, outside of the typical FOIA or Privacy Act process?

- Yes

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

- CIA has deployed an electronic means for submitting Privacy Act requests in compliance with the CASES Act. Requesters may now submit their Privacy Act requests for access to records in two ways: via the US Postal Service and online via the CIA's electronic submission portal.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

- CIA began posting records released pursuant to the FOIA on the Agency's FOIA Electronic Reading Room in Fiscal Year 2023.

B. Timeliness

4. For Fiscal Year 2023, 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 2023 Annual FOIA Report.

- 9.79

5. 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 2023 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

6. Does your agency utilize a separate track for simple requests?

- Yes

7. 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 2023?

- No, CIA processing of simple track requests averaged 28.87 days in Fiscal Year 2023.

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

- No

9. Please, provide the percentage of requests processed by your agency in Fiscal Year 2023 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.

- Simple track requests made up 4.28% of CIA's processed FOIA requests.

10. 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

11. If your agency had a backlog of requests at the close of Fiscal Year 2023, 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 2022?

- No

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2023 than it did during Fiscal Year 2022?

- No

13. If your agency's request backlog increased during Fiscal Year 2023, 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:

- * 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)
- * Litigation
- * Any other reasons? please briefly describe or provide examples when possible
- The primary driver of the FOIA backlog increase for Fiscal Year 2023 was competing review requirements and increases in litigation reviews and other review tasks, which required temporary reallocation of resources throughout the fiscal year.

14. 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 2023. 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."

- 158.45%

BACKLOGGED APPEALS

15. If your agency had a backlog of appeals at the close of Fiscal Year 2023, 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 2022?

- Yes

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2023 than it did during Fiscal Year 2022?

- Not Applicable

17. If your agency's appeal backlog increased during Fiscal Year 2023, 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

18. 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 2023. 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 2023 and/or has no appeal backlog, please answer with "N/A."

- 514.92%

D. Backlog Reduction Plans

19. In the 2023 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 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 2023?

- Yes. CIA continued to utilize existing technological resources to identify and target backlogged cases for closure, including at the appellate level. As noted in response to question 13, the primary driver of the FOIA backlog increase in Fiscal Year 2023 was competing review requirements, which required temporary reallocation of review resources during the fiscal year.

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

- CIA will continue to rely on metrics for visibility into the backlog to ensure a balanced resource distribution. Additionally, we have restructured our resources to better reflect our review program product lines.

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

TEN OLDEST REQUESTS

21. In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?

- No

22. 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 2022 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- CIA closed three (3) of its ten oldest initial requests in Fiscal Year 2023.

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

- Through our metrics program, CIA provided reviewers and case managers with details regarding all open cases, not only the 10 oldest. These details allow our staff to continually identify additional old cases upon which to focus.

TEN OLDEST APPEALS

24. In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2022 Annual FOIA Report?

- No

25. 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 2022 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

- CIA closed five (5) of its ten oldest appeals in Fiscal Year 2023.

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

- Through our metrics program, CIA provided reviewers and case managers with details regarding all open cases, not only the 10 oldest. These details allow our staff to continually identify additional old cases upon which to focus.

TEN OLDEST CONSULTATIONS

27. In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report?

- No

28. 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 2022 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

- CIA closed one (1) of its ten oldest consultations in Fiscal Year 2023.

ADDITIONAL INFORMATION REGARDING TEN OLDEST

29. 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 2024.

- The CIA FOIA office compiles lists of its 10 oldest requests, appeals, and consultations at the beginning of each fiscal year. This list is leveraged to track progress, identify opportunities to advance each case toward closure, and develop collaborative solutions to address cases with multiple, complex equities. CIA also works with internal and external parties to identify opportunities to close cases more expeditiously. CIA remains focused on closing each of the 10 oldest initials, appeals, and consultations.

F. Additional Information about FOIA Processing

30. 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
 - * Any other information to illustrate the impact of litigation on your overall FOIA administration
- Yes. Depending on demand, FOIA litigation support is required to utilize the same resources which process initial requests and administrative appeals, thus potentially affecting work on backlog reduction. For the litigation cases we receive, the most common cause is failure to respond in a timely fashion.