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Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ’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 attend a day-long internal training course, either the “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, or “Freedom of Information Act Fundamentals,” which provides an understanding of the FOIA statute, amendments, and case law. Other refresher training is provided to address updates in the FOIA law and case law, processing and technological improvements, and FOIA related issues related to this agency’s unique equities and business.

   • CIA public access professionals also attend conferences, meetings, and professional networking functions. In Fiscal Year 2017, CIA personnel attended the biannual IC FOIA Officers Information Day hosted by Office of the Director of National Intelligence (ODNI), which provides opportunities for interagency discussions on issues impacting Intelligence Community (IC) FOIA programs and equity recognition training. Other Agency personnel attended other courses and functions, including several DOJ FOIA courses and the American Society of Access Professionals (ASAP) annual conference.

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 FOIA professionals attended the annual American Society of Access Professionals conference and similar public access conferences. This provided them with the opportunity to hear what transparency advocates have to say about FOIA administration at the federal level. Our professionals also followed media coverage, and websites maintained by open government groups and FOIA advocates to spot developments that affect CIA’s public access programs, and continually reviewed the DOJ website for current guidance.
- CIA FOIA professionals routinely engage with members of the public in order to clarify and properly scope requests. For example, an academic researching the political economy of authoritarian governments in Eastern Europe requested all records on a specific political party in a specific country for a 16-year period. After several discussions with the requester to understand his specific interest, he agreed to revise his request to documents about official corruption within the specified country’s government, and expanded the request to include documents about seven named companies that were involved in those activities during the 16-year period. Through these negotiations, CIA was able to tailor the request to what the academic was truly interested in and also identify specific search parameters to locate the appropriate responsive material.
- CIA’s electronic reading room provides helpful tips on how to compose effective FOIA requests. Requesters seeking additional information not found on CIA.gov may call the CIA FOIA hotline at (703) 613-1287 or write to cia_foia@ucia.gov, which is staffed during normal business hours when the US Government is open. CIA answered all hotline calls or returned calls by the next business day, answering questions in real time when possible, or informing the caller that CIA would call back or respond by letter.

C. Other Initiatives

6. 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 components to the Agency’s statutory requirements under the FOIA. Briefings were provided to senior officers, executive assistants, and records managers, and web-based courses were made available to the CIA workforce.

7. 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’s Historical Review Program (HRP) conducts an annual review to evaluate potential collections of historical records for discretionary release. This process involves input from CIA’s historians, subject matter experts, 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 determines whether to process 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 requests for publically available HRP topical booklets, and inquiries at HRP document release and outreach events.

• 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 Center’s Public Interest Disclosure Board (PIDB) and PIDB Technology Working Group, and the Interagency Security Classification Appeals Panel (ISCAP). CIA participated in the ISCAP Public Forum in June 2017 to educate the public on how the ISCAP process works and to solicit the public’s input on how to improve the process.

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

DOJ’s FOIA Guidelines emphasize 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.

1. For Fiscal Year 2017, 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 2017 Annual FOIA Report.
• CIA adjudicated all requests for expedited processing within one calendar day in fiscal year 2017.

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.

• During Fiscal Year 2017, CIA used a number of methods to continually assess and improve its FOIA program. Based on end of fiscal year reporting data, CIA established an internal strategic objective to reduce the FOIA processing backlog by prioritizing, to the extent possible, what work had the most impact on the backlog and maximizing our limited resources to address it.
• The FOIA office held biweekly production meetings to identify process efficiencies and opportunities for greater customer outreach. CIA regularly updates processing procedures and improves the tools used to conduct FOIA work.
• CIA holds a monthly FOIA review panel to discuss progress towards current fiscal year FOIA goals and strategize solutions. The panel reviews the “10 oldest” FOIA initial, appeal, and consultation cases, and metrics on the volume of cases received and closed.
• CIA arranged in August 2017 a parish call by Melanie Pustay, DOJ’s Director of the Office of Information Policy, to discuss the Agency’s 2016 Annual Report, as well as best practices. This meeting was held in October 2017.

4. 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 FY 2017 (please provide a total number or an estimate of the number).

• CIA informs requesters in its final response letters that they may seek dispute resolution services from the CIA’s FOIA Public Liaison and provides the phone number by which the Liaison may be reached.
• There were no instances in Fiscal Year 2017 in which requesters sought assistance from the CIA FOIA Public Liaison.
5. Optional Survey Question: If possible, please provide an estimate of the average number of pages that your agency processes for each request. You may provide estimates for each track.

- CIA receives requests for records ranging from a single page to lengthy documents with all the cited or supporting documentation and appendices or that encompass voluminous records. According to Section V.A. of CIA’s Fiscal Year 2017 Annual FOIA Report, CIA closed 1,988 initial requests, and reviewed over 9,100 documents totaling more than 70,000 pages, with approximately 5,250 of these documents totaling 54,000 pages (77%) released in full or in part to the requesters. In contrast, CIA in FY2016 closed 2,208 initial requests, reviewing 7,973 documents totaling 41,866 pages, with 6,020 documents totaling 35,233 pages (84%) being released in full or in part.

6. 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, search, and document review practices. Internal business process reviews identified and eliminated processing redundancies, resulting in a more streamlined, efficient workflow.
- CIA holds a monthly FOIA review panel to discuss progress towards current fiscal year FOIA goals and strategize solutions. The panel reviews the 10 oldest each of FOIA initial, appeal, and consultation cases, metrics on the volume of cases received and closed, and the impact of specific actions on reducing the backlog. In Fiscal Year 2018 this panel will actively pursue solutions to the issues surfaced by better metrics.

**Section III: Steps Taken to Increase Proactive Disclosures**

The Department of Justice has long 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.

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

- The CIA released several collections of records through its Historical Review Program:
In September 2017, CIA released 82 documents totaling 2,000 pages on the
Soviet Navy during the 1960s-1980s, expanding on prior Warsaw Pact and
Cold War releases. CIA also created an accompanying booklet to provide
historical context for this release. The material was released at a public
symposium held on 6 September 2017 at the National Museum of the U.S.
Navy in partnership with that museum and the Naval Historical Foundation.

Between June and September 2017, CIA released in full a tranche of records
pursuant to the President John F. Kennedy (JFK) Assassination Records
Collection Act of 1992, which were made available on the NARA website.

In January 2017, CIA made available on CIA’s Electronic Reading Room
approximately 13 million pages of previously released materials that had
previously been available only for in-person review on the CIA Records Search
Tool (CREST) at the National Archives and Records Center in College Park,
Maryland.

These released documents were posted on the CIA website and are located at

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

- Yes, CIA’s Office of Public Affairs issued a press statement for both the Soviet Navy,
and CREST releases. CIA’s 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 also 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.

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?

- Yes.

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

- Efforts to improve search functionality, organize collections of materials, and provide
better tools or clearer layout are ongoing to make the website more user friendly.
After uploading the approximately 13 million pages of CREST content, efforts to make
the system more robust were required to prevent website crashes or slowdowns due
to insufficient hosting infrastructure capacity.
5. If there are any other steps your agency has taken to improve 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?

- CIA intends to post online as many records as possible that are released under its FOIA program. Frequently requested records will be given priority for posting online at regular intervals. CIA did not engage requesters directly to determine topics of public interest or what to release. However, the FOIA office and Historical Review Program continues to keep abreast of trending news, historically significant dates, and trends in CIA’s FOIA submissions and take that into consideration to determine what to release proactively. CIA also continues to engage with members of the academic community and historians to identify topics of interest.

**Section IV: Steps Taken to Greater Utilize Technology**

A key component of FOIA administration is using technology to make information more accessible. 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.

1. Has your agency identified any best practices to leverage 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 de-duplicate documents? If yes, please describe the best practices, the types of technology used and the impact on your agency’s processing.

- CIA improved record search capabilities through the use of web-enabled tools that enhance our ability to efficiently track and manage search taskings electronically, including dividing complex searches into smaller tasks that could be assigned to several people or delivering search results to multiple customers. This improvement has contributed to CIA’s ability to respond to FOIA requests in a more timely manner by searching more efficiently and documenting results in case of appeal.

- CIA has been working with several other government agency partners to create viable methods for sharing electronic records and consultations on unclassified and classified systems, as appropriate, and identifying compatible technological systems and platforms. CIA is currently using electronic delivery to a virtual cache and external electronic media (CD and DVD) with some agencies, and is
investigating other techniques based on the systems and safety protocols of additional agencies.

2. Did your agency successfully post all four quarterly reports for Fiscal Year 2017?
   • Yes.

3. 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 2018.
   • Not applicable.

4. 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 2016 Annual FOIA report and, if available, for your agency’s Fiscal Year 2017 Annual Report.
   • CIA’s Fiscal Year 2017 Annual FOIA report and the raw data will be posted.

5. If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.
   • CIA is engaged in a multi-year and multi-phased delivery of new technology and tools that will increase efficiency, reduce manual and duplicative processes, and enable CIA to consult, review, and respond to requesters more efficiently and consistently. In the meantime, CIA continues to refine internal procedures and processes with the tools and technologies available.

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

The Department of Justice has 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 2017 Annual FOIA Report and, when applicable, your agency’s 2016 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 2017, was the average number of days to process simple requests twenty working days or fewer?
   - No, CIA processing of simple track requests averaged 28.91 days in fiscal year 2017. In contrast, CIA’s average processing in FY2016 was 38.72 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.
   - Simple track requests made up 51% 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 2016 and Fiscal Year 2017 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 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?
   - CIA’s FOIA backlog of pending requests increased in fiscal year 2017.
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
- 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.

- Several contributing factors affected the increase in backlog. Although the number of requests received in Fiscal Years 2016 and 2017 only slightly increased (2,547 and 2,572, respectively, according to FOIA Annual Report Section V.A.), the volume of pages requiring review increased by 65%. Requests also have become much more complex as requesters demand both the primary and supporting or linked records, which increases the complexity of the review.
- CIA public access professionals and supporting staffs were also faced with a number of competing non-FOIA review priorities in 2017, to include the review of records pursuant to the President John F. Kennedy Assassination Records Collection Act of 1992, and the White House directed declassification review of records related to Argentina. Between June and September 2017, CIA released more than 18,000 documents equaling more than 170,000 pages of JFK records that were made available on the NARA website. Furthermore, CIA received significantly more material to review for State Department’s publication of Foreign Relations of the United States (FRUS), which CIA is legally obligated to review under federal statute. High priority FOIA litigation reviews also drew resources away from reducing the FOIA 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 2017.

- Sixty-eight percent.

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?

- CIA reduced its FOIA backlog of pending appeals requests in fiscal year 2017.

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 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A."

• Fifty-one percent.

C. Backlog Reduction Plans

11. In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2016 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 2017.

• CIA initiated efforts to reduce the backlog. It streamlined the levels of review required for simple tasks and cases, such as reducing the number of required steps to complete simple administrative letters, and cases where all material was released in full. CIA implemented improvements to speed up and simplify certain processing workflows and coordination with other offices and other government agencies. New metrics and reports were designed to identify challenges. Although the overall backlog increased in Fiscal Year 2017, the backlog held steady in the Fourth Quarter due to the process improvements made throughout the year.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2017, what is your agency’s plan to reduce this backlog during Fiscal Year 2018?

• CIA public access professionals are committed to transparency and responsiveness. We are improving CIA FOIA business processes with an increased focus on reallocating resources and cross training personnel, continuing requester negotiations, and leveraging technology. CIA will prioritize backlog cases into appropriate processing streams, seek to complete cases that can be quickly or efficiently processed, and find creative solutions for complex and difficult cases. We fully recognize, however, that increased demand and competing priorities, may impede CIA’s ability to significantly reduce our FOIA backlog. We have also committed
funding to work on technology augmentation tools to help us review documents more efficiently.

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 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

13. In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 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 2017 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- CIA closed three of its ten oldest initial requests in Fiscal Year 2017.

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 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 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 2017 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 2017.
TEN OLDEST CONSULTATIONS

18. In Fiscal Year 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 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 2017 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 2017 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 2017.

- Documents that incorporate highly classified material often require more time for review and coordination. 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) Initial Request received: 5/19/2008; Consult sent: 9/11/2017; last contact: 11/16/2017.
3) Appeal Request received: 11/14/2008; Latest Consult sent: 3/14/2016; last contact: 12/6/2017.
4) Appeal Request received: 9/14/2009; Latest Consult sent: 5/19/2017; last contact: 12/19/2017.

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 [sic].

- CIA’s FOIA program office compiles a list of our 10 oldest requests, appeals, and consultations early in the current fiscal year. CIA uses this list of thirty cases to track
progress and identify opportunities to advance each case toward closure and develop collaborative solutions to address cases with multiple, complex equities. CIA also alerts internal and external partners, when circumstances warrant, to assign a higher priority to these thirty requests. CIA will remain focused on closing each of the 10 oldest requests, appeals and consultations.

F. Success Stories

Out of all of the activities undertaken by your agency since March 2017 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, OIP will highlight these agency success stories during Sunshine Week. 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 5,250 documents totaling approximately 54,000 pages in full or in part through public access requests in Fiscal Year 2017. The release rate for the total number of FOIA pages reviewed by CIA in Fiscal Year 2017 was 77 percent.