

FOIA GUIDANCE

Guidance for Quarterly FOIA Reporting

On December 4, 2012, the Office of Information Policy notified agencies and the public that beginning January 2013 all agencies will be required to provide quarterly reporting of four key FOIA statistics to the Department of Justice that will be posted on FOIA.gov. By increasing the frequency of agency reporting of key FOIA statistics the Department of Justice, as well as the public and agencies alike, will be able to identify trends and assess agencies' progress throughout the course of the fiscal year. This more frequent reporting is designed to increase accountability and enhance public awareness of agencies' efforts in administering the FOIA.

Agencies' first quarterly report for Quarter 1 of Fiscal Year 2013 (covering the time period from October 1, 2012 through December 31, 2012) must be posted no later than **January 27, 2013**. The following guidance addresses the new agency requirement of quarterly reporting and provides instructions on using a web-based template developed by the Department of Justice to assist agencies in producing this report.

Key FOIA Statistics

As OIP advised in its [previous post](#) on this topic, the FOIA quarterly reporting will focus on four key statistics:

- the number of requests *received* during the reporting period,
- the number of requests *processed* during the reporting period,
- the number of requests in an agency's *backlog* at the end of the reporting period, and
- the progress being made to close the agency's *ten overall oldest* pending FOIA requests from Fiscal Year 2012.

Agencies that are decentralized in their FOIA processing will need to provide the data for the first three statistics for each of their individual components. These metrics, broken down by component, will give a snapshot each quarter of how processing is proceeding during the course of Fiscal Year 2013. As to the fourth statistic, in keeping with the Department's longstanding focus on reducing the age of the oldest pending requests, this metric requires agencies to report on how many of their agency's ten overall oldest pending FOIA requests from Fiscal Year 2012 have been closed. The goal for each agency is to be able to report that all ten of their oldest pending requests from Fiscal Year 2012 have been closed. Once an agency reaches that milestone the color of the display for this statistic will change from red to green to readily illustrate the agency's success in meeting this important milestone.

Template for Reporting

As noted above, the Department has developed a web-based template for agencies to use in order to create their quarterly report, which can be accessed at <http://www.foia.gov/xmlgen/>. The template first asks users to select the appropriate agency from a drop-down menu. If an incorrect agency is accidentally selected, users should click the refresh button on the web browser to start over. Once an agency has been selected, the template reveals three categories of fields that must be completed. The first category titled "Reporting Quarter" requires the user to provide the specific fiscal year and quarter for which data is being provided. For example, for the first report covering data concerning the first quarter of Fiscal Year 2013, users should select 2013 in the first field and Q1 in the second field.

The next category in the template titled "10 Oldest Requests" addresses agencies' progress in closing their ten oldest pending perfected requests from the prior fiscal year, which is Fiscal Year 2012. Users are first asked to answer whether their agency had any perfected requests pending at the end of the previous fiscal year. An agency should select "10" from the drop-down menu if it had 10 or more of these requests. If an agency had less than 10 pending perfected requests, the user should select the exact number of requests that were pending. This question corresponds to Section VII.E of agencies' Annual FOIA Reports. Thus, for

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all four quarters of Fiscal Year 2013, agencies may look to the number of requests listed in the agency overall line of Section VII.E in their Fiscal Year 2012 Annual FOIA Report to identify the correct number to select.

The second question under the "10 Oldest Requests" category asks the user to select how many of those oldest pending perfected requests from the prior fiscal year have been closed as of the end of the reporting period. Please note that this question requires users to select the cumulative number of the ten oldest requests closed by the end of each reporting period. For example, if an agency had nine perfected FOIA requests pending at the end of Fiscal Year 2012, and it closed four of those requests during the first quarter of Fiscal Year 2013, it would select "9" (for the number pending as of the end of Fiscal Year 2012) and "4," (for the number of those requests closed in Fiscal Year 2013) for the questions regarding the ten oldest in the first reporting quarter. If the agency then closed the remaining five requests in the second quarter, it would select "9" (for the number pending) and "9" (for the number closed) in the second quarter. At that point, the display on FOIA.gov for the 10 Oldest Requests will change from red to green to indicate success.

For the final category titled "FOIA Requests Information," agencies must complete the table regarding the number of FOIA requests they received and processed during the reporting quarter, as well as the number of FOIA requests that were in the agency's backlog as of the end of the reporting quarter. In keeping with the [2008 Guidance for Agency Annual FOIA Reports](#), requests should be reported as "backlogged" for purposes of the Annual FOIA Report and for this Quarterly Reporting if they are pending beyond the statutory time period for response, which is twenty working days, or if unusual circumstances are invoked, up to thirty working days, after receipt. Agencies with decentralized FOIA processing will need to report by component, consistent with the way this data is provided for the Annual FOIA Reports.

Finally, once the template has been completed with all of the agency's data, users should click on the "Generate" button at the bottom of the template to create a .zip file. The .zip file should be saved and provided to the agencies' web content manager for posting. Agency web managers will need to place the .zip file in the /foia/quarterly/directory of the agency's website. For example, the Department of Justice will place its file at www.justice.gov/foia/quarterly/. In most cases, the /foia/quarterly/ directory will not yet exist, and web managers will first need to create it. Alternatively, web managers can create an alias to point to any location of their choosing, as long as [www.gov/foia/quarterly/*.zip](#) resolves correctly. Once the quarterly reporting deadline has passed, the Department will collect all agencies' quarterly data through the use of an Applied Programming Interface (or API), and will display this information on FOIA.gov.

Prior to creating your agency's quarterly report, please confirm that your agency has entered all of the necessary information into its tracking database to ensure that the data accurately represents your agency's work during the reporting period. OIP will not review agencies' quarterly data prior to posting, and each agency is responsible for the accuracy of its own data.

Conclusion

As this new quarterly reporting requirement is implemented, it will benefit both the public, which will be able to more regularly track government FOIA administration, and agencies which will now be able to more easily identify trends that will help improve their FOIA operations. After evaluating the first reporting cycle, OIP will determine a schedule for the remaining three quarters of Fiscal Year 2013 for agencies to follow. If you have any questions, please do not hesitate to contact OIP's Quarterly Reporting Team at DOJ.OIP.FOIA@usdoj.gov.

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