

Sensitive Material



**The Inspector General
of the Department of
the Air Force**

Report of Inquiry (S9678P)

**Department of the Air Force
Freedom of Information Act Program**

December 2024

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REPORT OF INQUIRY (Case S9678P)

CONCERNING

DAF FREEDOM OF INFORMATION ACT PROGRAM

PREPARED BY

(b) (6), (b) (7)(C)

December 2024

I. EXECUTIVE SUMMARY

The Department of the Air Force (DAF) Freedom of Information Act (FOIA) program is under-billeted and understaffed at key locations and across the enterprise because of its low priority level relative to other DAF requirements. The program also has insufficient organizational and technological backbones. As a result, the backlog of FOIA requests has grown to record highs, creating a greater risk of spillage of information that should be lawfully redacted or withheld from release. Backlog, a measure of those requests that an agency has not responded to within a statutory time limit, is one of the most important metrics for the health of FOIA programs across the United States Government (USG) and is a key data element the Department of Defense (DoD) analyzes annually. As required by public law and incorporated through DoD policy, DAF officials must provide a final response to FOIA requesters within 20 working days, extendable to 30 working days.¹ FOIA requests that exceed 30 working days are counted as backlog until resolved. The current DAF FOIA backlog is at a historic high, with 2,720 late cases at the end of Fiscal Year (FY) 2023, 5.6 times the low of 509 in 2012. This report provides an analysis of the FOIA program and recommendations to address this backlog while safeguarding sensitive information. Among primary recommendations are an immediate and permanent increase of personnel at key locations,² standardization of tracking mechanisms, and technological improvements to the eFOIA system. Other recommendations include improving the oversight and process control structure, policy revisions, better training, and support from DAF leadership to emphasize the importance of accurately responding to FOIA requests and within response timelines mandated by law.

The Office of the Chief Information Officer's Compliance Division (SAF/CNZA) leads and provides oversight to the DAF FOIA program. Two other important organizations in the execution of the FOIA program are the Office of the Administrative Assistant to SAF's Operations Branch (SAF/AAlI) and the Air Force Installation and Mission Support Center Compliance Division's FOIA Branch (hereto referred to as AFIMSC). All three have

¹ Public Law 114-185, *FOIA Improvement Act of 2016* and DoD Manual 5400.07-Air Force Manual 33-302, *Freedom of Information Act Program*, 27 Apr 18.

² Key locations, including SAF/CN, AFIMSC, and SAF/AA, are discussed later in the ROI.

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experienced significant losses in key FOIA civilian employees over the past three years because of competitive hiring by other USG FOIA programs and, according to former employees, high workloads in the DAF FOIA program, mainly due to inadequate staffing and grade levels.

The loss of key personnel across these organizations and an insufficient number of trained FOIA personnel across the DAF has increased the DAF FOIA program's backlog and increased the risk of improper disclosure of information that should be lawfully withheld from FOIA requesters. It has also increased the risk of FOIA-related litigation. As the DAF Auditor General's 2023 report states, "Requestors can and have successfully sued the DAF in federal court for untimely processing of FOIA requests. These lawsuits harm the DAF's reputation with the public and Congress." Generally, FOIA lawsuits lag the late requests and there is a reasonable expectation these suits will increase in the future.

II. INTRODUCTION

The Inspector General (TIG) directed this inquiry on 2 Mar 23, in parallel with the DAF Auditor General's 2023 audit of the DAF Freedom of Information Act (FOIA) program. The 2023 audit is the fourth FOIA program audit performed by the AF Audit Agency (AFAA) since 2009, with several repeat conditions.³ The AFAA-SAF/IG effort provided two approaches to examining the program: (1) AFAA focused primarily on the current FOIA program and examined current data for FY23 and FY22; and (2) SAF/IG examined FOIA historically, through analysis of annual reports dating back to 2008 and through interviews of past and present DAF FOIA employees at different echelons, as well as FOIA employees of other agencies.

The Investigating Officer (IO) interviewed 30 current, separated, and retired FOIA Subject Matter Experts (SMEs) from across the USG, including 19 from DAF FOIA's hubs – SAF/CNZA, SAF/AAIL, and AFIMSC – as well as from the National Guard Bureau (NGB), Wright Patterson Air Force Base (WPAFB), the 375th Air Base Wing (ABW),⁴ and the Office of the Judge Advocate General (AF/JA) between 3 Mar 23 and 17 Sep 23. The IO also interviewed FOIA directors and SMEs at eight agencies outside the DAF, including the Office of the Secretary of Defense (OSD); Joint Staff; DoD IG; Department of the Army (DA); Department of Navy (DoN), which includes US Navy FOIA and US Marine Corps FOIA; National Archives and Records Administration (NARA); Defense Health Agency (DHA); and Housing and Urban Development (HUD). Finally, the IO reviewed annual DAF FOIA reports, DoD Chief FOIA Officer reports, external agency FOIA reports to the Department of Justice (DoJ), data from the OSD FOIA office, and past AFAA audits to compile, analyze, and produce historical charts of FOIA requests, manning, backlogs, appeals, costs, and other relevant data from 2008-2022.⁵

³ Previous three audits were conducted in 2009, 2013, and 2021. Repeat conditions are described in section IV.

⁴ Selected randomly by the AFAA for the audit.

⁵ DoD maintains annual FOIA reports back to 1975. However, prior to 2008, the reports did not provide component-specific information.

III. BACKGROUND

According to FOIA.gov, the *Freedom of Information Act of 1966* and the *FOIA Improvement Act of 2016* provide the public “the right to request access to records from any federal agency.” Federal agencies, departments, and services, including the DAF’s USAF and USSF, “are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement.” The FOIA “provides that when processing requests, agencies should withhold information only if they reasonably foresee that disclosure would harm an interest protected by an exemption, or if disclosure is prohibited by law.”

Three organizations have prominent roles in the execution of the DAF FOIA program:

- SAF/CNZA leads the program under SAF/CN, which, per DoDM 5400.07 AFMAN 33-302, *Freedom of Information Act Program*, 27 Apr 18, has overall responsibility for the DAF FOIA program, including administering the procedures necessary to implement the FOIA program, submitting reports to the Directorate for Oversight and Compliance (DO & C), and providing guidance and instruction to FOIA Requester Service Centers (RSCs). SAF/CN sets policy for FOIA DAF-wide, handles all “significant” FOIA requests (those of national significance),⁶ and provides oversight for the eFOIA system, the government-wide system of record for handling FOIA.⁷ In 2022, SAF/CNZA’s only two GS employees (GS-15 and GS-13), with 20 and 10 years’ FOIA experience respectively, left the organization.
- SAF/AAIL manages FOIA requests at the Office of the Secretary of the Air Force (SAF) and Headquarters of the Department of the Air Force (HAF) two-letter offices and addresses all DAF FOIA requests the public sends to the national www.FOIA.gov website, established in 2022. FOIA.gov is independent of the eFOIA system.⁸ Between 2019 and 2023, SAF/AAIL’s senior and most experienced GS-14 employee and two other GS personnel left the organization, leaving three of their five positions vacant. These positions were filled in Jul 2023.
- AFIMSC’s FOIA Branch, subordinate to Air Force Material Command (AFMC), manages FOIA requests, aids installation FOIA managers, and acts as the liaison between

⁶ In an Aug 2009 OSD memorandum and DoDD 5400.07, the DoD Chief FOIA Officer established guidance on notification procedures for “significant” FOIA requests. A “significant” FOIA request is defined as any FOIA request in which the subject matter of the released documents may be of interest to DoD senior leadership, the public, the media, or Congress.

⁷ For the DAF, eFOIA is found, also called FOIA-Express, can be accessed at <https://efoia.cce.af.mil/>.

⁸ FOIA.gov is a single website for the public to obtain information from the entirety of USG. It has a single portal for all agencies. Unlike FOIA.gov, there are different web-based platforms for governmental agency internal FOIA management. The DAF uses eFOIA.

SAF/CN and the installations for the following Major Command (MAJCOM) Headquarters (HQs): Air Combat Command (ACC), Air Education and Training Command (AETC), AFMC, Air Force Global Strike Command (AFGSC), Air Mobility Command (AMC), US Air Forces Europe – Air Forces Africa (USAFE-AFAFRICA), Pacific Air Forces (PACAF), and Air Force Special Operations Command (AFSOC) as well as Air Force District of Washington (AFDW), a Direct Reporting Unit (DRU), and Air Force Special Operations Command (AFSOC). AFIMSC's FOIA Branch also services the newly established United States Space Force (USSF) Field Commands (FLDCOMs); Space Operations Command (SpOC), Space Systems Command (SSC), and Space Training and Readiness Command (STARCOM). AFIMSC does not service Air Force Reserve Command (AFRC), Air National Guard (ANG), Air Force Personnel Center (AFPC), Air Force Office of Special Investigations (AFOSI), or other centers and agencies not listed, all of which either have their own RSCs or fall under other organizations for FOIA processing. Also, it does not service wings/deltas or other organizations that fall under the listed MAJCOMs and FLDCOMs. AFIMSC does, however, train FOIA managers from MAJCOM/FLDCOM HQs and their subordinate units. AFIMSC, a large FOIA management hub, experienced the departure of seven of their 13 GS employees from late 2021 to early 2023 after an organizational restructuring reduced the GS-pay schedule for workers.

Key FOIA personnel and responsibilities for the DAF FOIA program, as detailed in AFAA's 2023 Report, include:

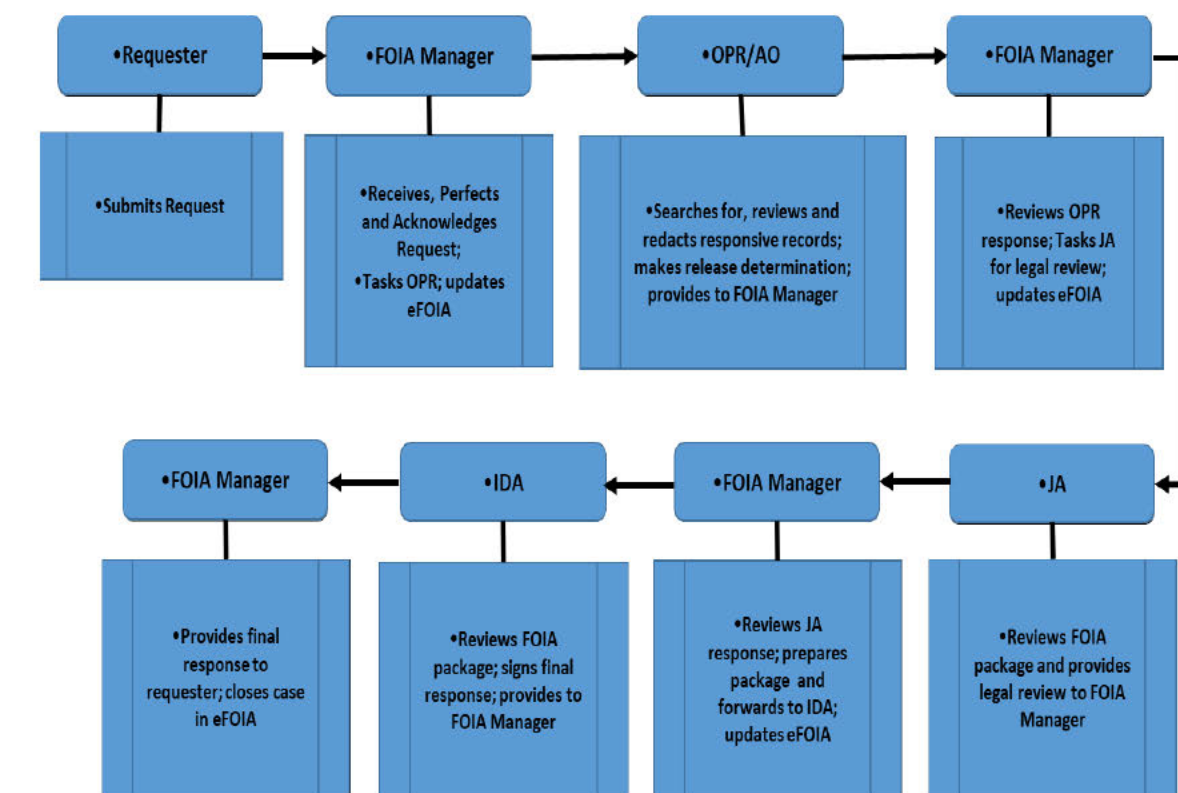
- Office of Primary Responsibility (OPR). An OPR is the organization that owns the data requested and is responsible for answering the FOIA request.
- Initial Denial Authority (IDA). HAF and commanders appoint IDAs who have the authority to make an initial determination that records requested in a FOIA request should be withheld from disclosure or release.
- Requester Service Centers (RSCs). The DAF has over 121 RSCs located at HAF, MAJCOMs/FLDCOMs, direct reporting units (DRUs), field operating agencies (FOAs), centers, and installations throughout the DAF. These RSCs are responsible for processing FOIA requests. RSCs are not usually an office but rather a single person – the FOIA manager.
- FOIA Managers. One FOIA manager, and sometimes an alternate, is located at each RSC and is responsible for reviewing, processing, and answering FOIA requests.

- FOIA Monitors. Commanders can appoint a FOIA monitor in offices/units that receive a high volume of requests. The FOIA monitor serves as the unit focal point and assists the office of primary responsibility (OPR) in locating, reviewing, and redacting records.
- SAF/CN. SAF/CN has overall responsibility for the DAF FOIA program.

MAJCOMs/FLDCOMs, Agencies, Centers, and Components. While AFIMSC processes FOIA requests for eight USAF MAJCOM HQs, one DRU, and three USSF FLDCOM HQs, base-level units subordinate to DAF MAJCOMs/FLDCOMs handle their own FOIA requests through local RSCs, typically consisting of one or two FOIA managers. Some bases, which receive a larger volume of FOIA requests, such as WPAFB, have larger RSCs. Other MAJCOMs, such as AFRC, and FOAs, such as AFPC, AFOSI, and several other agencies and centers, also have their own FOIA RSCs. ANG's RSC is at the National Guard Bureau (NGB), which handles ANG, Army National Guard (ARNG), and NGB HQ FOIA requests.

FOIA Request Process. AFAA provided the following diagram depicting steps in the FOIA process:

Figure 1. FOIA Request Process



Exemptions. The nine exemptions used when answering FOIA requests consist of:

- (1) classified national defense and foreign relations information
- (2) internal agency rules and practices
- (3) information that is prohibited from disclosure by another federal law
- (4) trade secrets and other confidential business information
- (5) inter-agency or intra-agency communications that are protected by legal privileges
- (6) information involving matters of personal privacy
- (7) records or information compiled for law enforcement purposes
- (8) information relating to the supervision of financial institutions
- (9) geological information on wells

FOIA request categories. FOIA requests are divided into two categories; “complex” and “simple.” FOIA managers determine whether a request is complex or simple based on criteria in AFMAN 33-302, but they have discretion in this determination. Complex requests make up the majority of the FOIA backlog and can involve classified information, investigations, contracts, nuclear weapons records, Foreign Military Sales (FMS), research at DAF laboratories, publicly significant events (significant FOIAs), COVID-19 waiver denials, and more. As defined in AFMAN 33-302, complex requests are those “whose processing will take substantial time [and] will cause significant impact on responding units” because factors, such as the poor description of records, the considerable volume of records requested, or the number/type of exemptions involved. Complex requests require extensive care in the redaction process and a legal review prior to release. Historically, these requests have a median response time of 38.32 workdays, calculated by averaging 16 years of median response times from DoD annual reports. This response time exceeds the congressional limit of 30 days for such requests.

Simple requests do not require legal review or IDA approval and have a median response time of 9.9 workdays.⁹ According to AFMAN 33-302, para AP2.2.3.1, simple requests are those that “clearly” identify the desired records, involve relatively few exemptions, and “can be processed quickly, with limited impact on the responding units.”

⁹ Per AFMAN 33-302, for “clearly releasable” records, such as those requiring no FOIA exemptions, the FOIA manager can sign and release the final response without JA or IDA review.

IV. PAST AFAA AUDITS

2009 FOIA Audit. In 2009, the SAF/CNZA Division Chief requested a FOIA audit, which AFAA carried out, providing the following conclusions:

- FOIA program managers did not properly record or track FOIA requests, resulting in the DAF overstating the number of requests received and understating response times in the DAF annual FOIA report submission to the DoD for their annual Report to Congress.
- FOIA program managers did not efficiently or properly process FOIA requests; the Air Force Electronic Reading Room (ERR) did not include all frequently requested records; and the public could not access all Air Force organization ERRs. As a result, records were not readily available to the public, decreasing Air Force responsiveness and causing Air Force FOIA personnel to expend unnecessary time and resources, duplicating work.
- FOIA program managers did not accurately assess or collect fees for processing FOIA requests. As a result, the Air Force understated its FOIA program cost and did not recoup appropriate costs.
- FOIA program managers did not have sufficient plans in place to minimize FOIA request backlogs. Automated records showed FOIA program offices had 688 open requests as of Jul 2008. Of those, 543 (79%) were open for more than 20 working days, and 248 (36%) were open for more than six months. As a result, FOIA requesters successfully sued the Air Force in federal court over response timeliness.

Corrective actions after the audit included establishing a staff of eight personnel in Feb 2009 to manage FOIA at SAF/XC (now SAF/CN), converting to a new FOIA tracking system (eFOIA), revising policy to require FOIA managers to confirm data entered into eFOIA was accurate, designating offices to provide legal reviews, and communicating revised policies to FOIA managers. Other corrective actions implemented included requesting additional personnel to conduct legal reviews, providing FOIA managers Computer-Based Training (CBT) on their responsibilities to inform requestors of appeal rights, linking ERRs from different organizations, requiring FOIA managers to provide all released records for posting on the Air Force ERR, requiring program managers to record and provide time expended and costs incurred for FOIA processing, training them to do so, directing FOIA managers to properly assess fees and interest, reviewing fee assessments, and requiring plans be developed to resolve backlogs. One proposed corrective action that was not implemented due to costs was revising contracts to require contractors to identify sensitive information in contracts.

2013 FOIA Audit. AFAA conducted a follow-up audit to determine whether conditions from the 2009 audit had been remedied. The audit found DAF FOIA managers did not:

- Properly maintain 106 of 299 (35%) electronic case files or efficiently process 109 of 299 (36%) FOIA requests reviewed for 2011. Managers did not maintain case files in eFOIA for 36 requests or save all required documentation for 70 others.
- Provide the public electronic access to 113 of 130 (87%) frequently requested records via the Air Force Reading Room (repeat condition). The audit stated providing such access reduces requests for the same information and saves resources.
- Properly identify costs, or accurately assess support fees, for processing 255 of 275 (93%) requests (repeat condition).
- Effectively minimize FOIA request backlogs for three of four (75%) RSCs.

It also found:

- A lack of alternate FOIA managers at four of eleven (36%) RSCs caused more backlog because no one processed requests when the primary manager was out (repeat condition).
- FOIA managers at three of the eleven (27%) inspected RSCs were not proficient in uploading documents and required additional eFOIA training.
- AFOSI, then the largest contributor to the DAF backlog, incurred processing delays because its RSC lost six personnel in FY11 due to budget reductions and a Base Realignment and Closure (BRAC) move from Joint Base Andrews, Maryland to Quantico, Virginia.

Corrective actions included informing FOIA managers they may not opt out of posting released records to the DAF Reading Room, improving training in several specific areas, identifying training gaps, providing semiannual training for all OPRs who process more than 10 FOIA requests per year, properly identifying processing costs, better-defining backlog reduction plans, creating technical barriers to users changing received/target dates in eFOIA, requiring alternate FOIA managers be appointed and trained at all RSCs, requiring FOIA managers to perform bi-monthly reviews of all open requests, and providing briefings to commanders on the status of the FOIA program and reasons for backlogs.

2021 FOIA Audit. In 2021, the Director of Staff, US Air Forces in Europe and Air Forces Africa (USAFE-AFAFRICA) requested an audit of the FOIA program due to concerns about untimely processing. AFAA's resulting DAF-wide audit concluded DAF personnel did not process FOIA requests in accordance with the statutory requirements. Specifically, FOIA managers:

- Did not process 9,621 of 24,709 (39%) closed requests in FY15-19 within 30 days.
- Had 947 of 1,070 (89%) open requests over 30 working days as of 30 Sep 19.

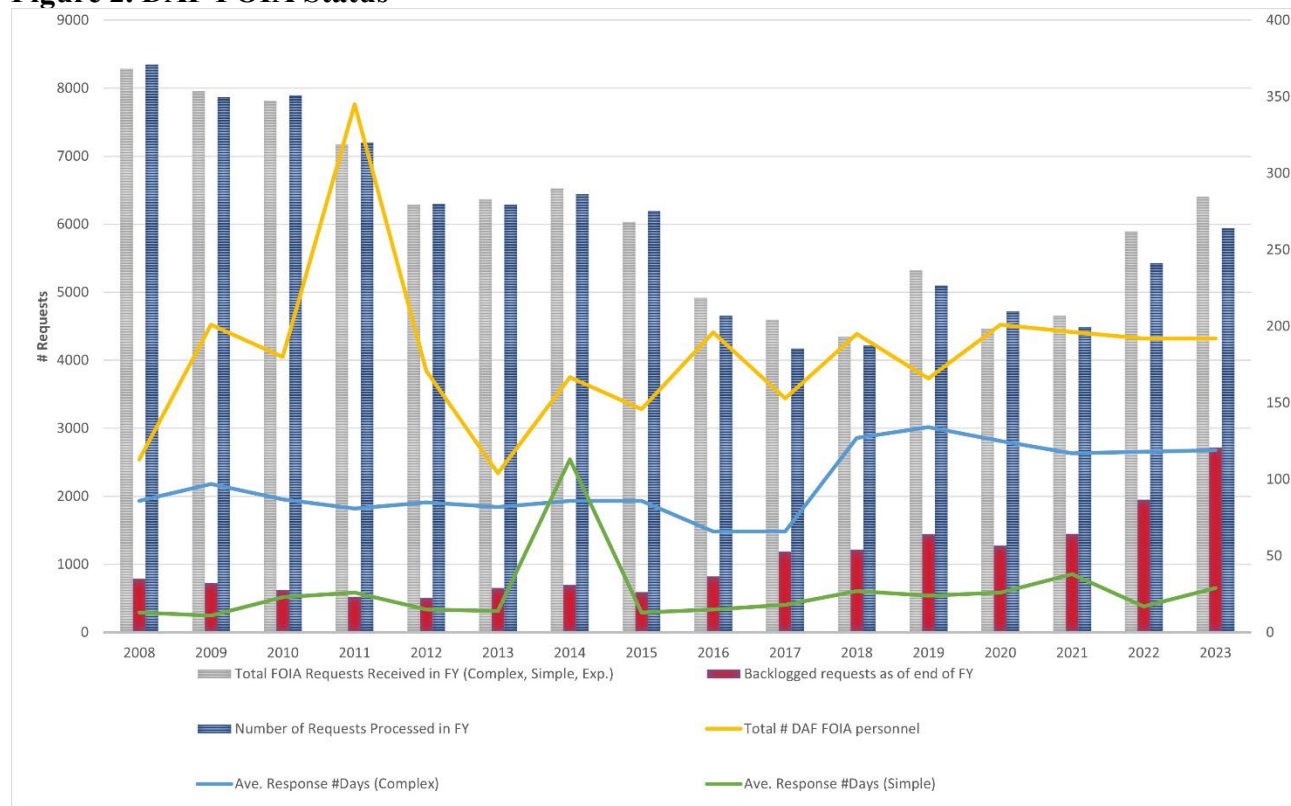
In lieu of the audit providing recommendations, the audit stated SAF/CN would initiate a FOIA program workload study to review each task and subtask within the FOIA process. The study was delayed due to the loss of personnel at SAF/CNZA, leaving only one E-7 running the

DAF-wide program for most of 2022. The study is now on hold pending the 2023 AFAA audit and this SAF/IG review.

V. HISTORICAL TRENDS IN DAF FOIA

The figure below displays the total number of FOIA requests received (including complex, simple, and expedited requests), the number processed, the accumulated backlog, total personnel, and average processing time for simple and complex requests from FY08 through FY23. The accumulated backlog, labeled “backlogged requests as of end of FY” increased from FY12 to FY23, as the following chronology discusses.

Figure 2. DAF FOIA Status



Data Source: DAF FOIA reports to DoD 2008-2023.

Of note in the figure above, the overall trend from FY08 through FY23 was a decrease in total requests from over 8,000 in 2008 to 6,409 in 2023. Relevant to this trend is the breakdown of requests into complex and simple categories (not depicted). Complex requests increased from 1,556 in 2008 to 2,603 in 2023 while simple requests decreased from 6,761 in 2008 to 2,192 in 2023. Complex requests tend to add to the accumulated backlog more than simple requests. The former SAF/CNZA (b) (6), (b) (7)(C) explained the decline in simple requests may be due to the increased

use of FOIA Reading Rooms to publish materials released through the FOIA process. Also, it may stem from a trend of categorizing more requests as complex. Historical changes in interpretation of simple and complex categorizations makes interpreting past FOIA data less reliable. For this reason, the following chronology focuses on accumulated backlog, which has been tracked reliably throughout the period.

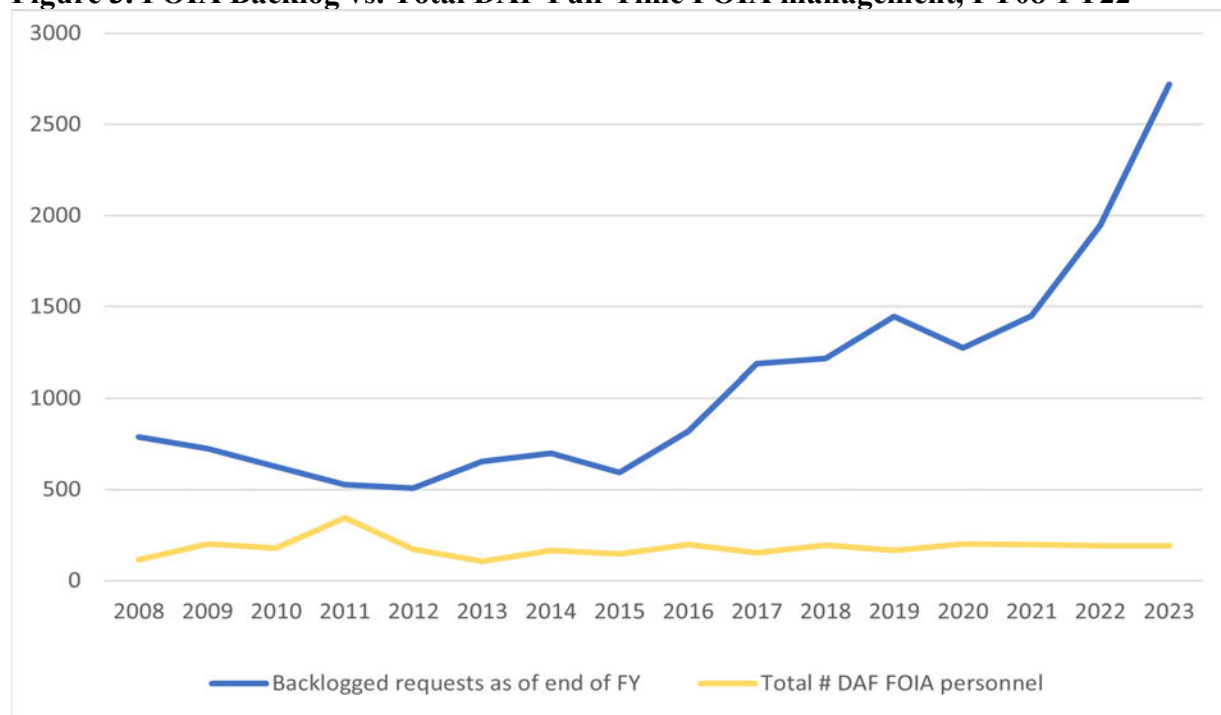
2005-2007 – Rosemary Award. The non-profit organization, “the National Security Archive,” successfully sued the DAF in 2005 over FOIA requests. According to the former SAF/CNZA Division Chief of Compliance (the top DAF FOIA Officer from 2005-2022), the lawsuit cost the service around \$500,000. The National Security Archive also named DAF as the worst performer in open government in 2007 and provided the service what it calls its “Rosemary Award” for this distinction.¹⁰

2008-2011 – Temporary addition of staffing improved FOIA backlog. After the National Security Archive called attention to the DAF’s FOIA program, the SAF/CNZA Division Chief requested an audit in 2009 (as detailed above). The DAF then implemented corrective actions from the audit. SAF/CN (then SAF/XC) established a FOIA Branch staffed with eight personnel, three of whom were designated to assist MAJCOMs with the largest FOIA request backlogs. The DAF implemented eFOIA on 30 Mar 09 to process FOIA requests. Beginning in FY10, personnel were required to maintain case files for each request in eFOIA, including initial requests, the tasked OPR, OPR responses, legal reviews, final responses, and all other correspondence to and from the requester. In 2011, as Figure 2 below shows, DAF staffing for FOIA surged significantly to an all-time high of 345 full-time and Full-Time Equivalent (FTE) employees, nearly twice the 16-year average of 182. The backlog declined for three years, reaching an all-time low of 509 in 2012.

2012-2014 – FOIA backlog increased as staffing decreased. The 2011 surge in personnel was temporary. In 2012, the number of personnel working FOIA across the DAF dropped to 171, below the 16-year average of 182. In 2013, the DAF reduced its FOIA personnel to a low of 104. This significant reduction DAF-wide in FOIA personnel corresponds with the backlog resuming its upward trend. From that year forward, the backlog increased every year except in 2015 and 2020, even after the DAF brought its number of personnel back to around the average level in later years.

¹⁰ <https://nsarchive2.gwu.edu/news/20070316/rosemary.htm> and several other available websites detail this event.

Figure 3. FOIA Backlog vs. Total DAF Full-Time FOIA management, FY08-FY22



Data Source: SAF/IG compilation and analysis from DoD FOIA Annual Reports for FYs 2008-2023.

The top line (blue) in Figure 2 depicts the accumulated DAF FOIA backlog falling from 789 in 2009 to a multi-year low of 509 in 2012. (b) (6), (b) (7)(C) it is unclear how reliable historical data, mainly derived from eFOIA, is, and there are no alternatives for aggregate data. This corresponds to an increase in FOIA personnel, depicted by the bottom line (orange) beginning in 2009, capped with a surge in 2011. The following years, after the number of personnel declined, correspond with a growing backlog until the present. A dip from 2014 to 2015 corresponds to AFOSI reducing its large backlog through the use of paralegals, as described below. The backlog as of 30 Sep 23 stood at 2,720.

2014-2016 – Use of AF/JA paralegals improved backlog temporarily at key locations.

In 2014, AF/JA created a GS-15 attorney position to provide HAF exclusive and consistent FOIA advice. The newly hired attorney initiated an effort to reduce the backlog. From May 2014 to Jul 2016, AF/JA provided paralegal support on Reserve or Guard Manpower Authorization (MPA) tours for key locations where the FOIA backlog had increased quickly, including three full-time Individual Mobilization Augmentees (IMAs) from the Air Force Reserves (AFR) at AFOSI and one at SAF/AAIL. The effect on the AFOSI backlog was immediate and apparent. Over the next two years, AFOSI's backlog went from being the highest in the DAF at 329 cases (47% of the DAF backlog) down to 47 (6% of the DAF backlog) and has remained at or below that percentage of the DAF backlog since, due, in part, to AFOSI hiring one of the paralegal

IMAs as a GS FOIA employee. SAF/AAIL received the same AF/JA-organized, AFR-provided IMA support and saw their backlog fall to 52 in 2015 (9% of the DAF backlog) after reaching 100 (14% of the DAF backlog) in 2014. However, the temporary surge of support from the IMAs eventually ended, and the SAF/AAIL-managed backlog (HAF and SAF two-letter organizations) increased again. By November 2023, the HAF and SAF backlog totaled 933 (34% of the DAF backlog).

2015-2016 – Standup of AFIMSC. AFIMSC stood up under AFMC due to a 2012 Congressional inquiry that found the military had too many personnel at headquarters. As a result, the DAF consolidated FOIA, civil engineering, and other services for nine MAJCOMs and one DRU at AFIMSC. Upon standup, 15 FOIA billets from the MAJCOM/DRU HQs were reduced to an initial eight at AFIMSC, consisting of one branch chief and seven FOIA managers to cover all 10 of the MAJCOM/DRU HQs (now 12 MAJCOM/FLDCOMs after Air Force Space Command was removed and three USSF FLDCOMs were added). The reduction in the total number of FOIA managers and the reduced direct interaction with the MAJCOM HQ personnel, FOIA managers, and the Offices of Primary Responsibility (OPRs) corresponded with an increase in the DAF-wide backlog. It is unclear what the effect was specifically on the MAJCOM HQ backlog and MAJCOM backlog below the HQ level due to a lack of available historical data. Over the next few years, AFIMSC's FOIA billets increased to 10 FOIA managers and one GS-14 FOIA/Privacy Act program manager, still a deficit from the estimated total of 15 billets previously distributed across the MAJCOM HQs. The net result of the AFIMSC construct was a reduction of FOIA program managers from an estimated total of 15 billets across the MAJCOM HQs to 10 FOIA managers (plus 1 supervisor) billets at AFIMSC and a reduction of direct involvement with OPRs.¹¹

AFIMSC's standup provided some benefits. Prior to the reorganization, most MAJCOM FOIA managers did not have alternates, resulting in FOIA response time delays when the one-deep FOIA manager was out of the office. Under the new construct, AFIMSC provided a way to continue processing requests when personnel took leave, went TDY, moved positions, or retired. AFIMSC also allowed for some standardization of training as it took over training of FOIA managers from MAJCOM subordinate units without policy directing it to do so.¹² AFIMSC has also served as a hub for communications with MAJCOM FOIA managers, all critically important to the program. However, it appears the benefits of consolidating FOIA at AFIMSC did not outweigh the net loss in FOIA managers as the FOIA backlog rose.

¹¹ When FOIA managers were stationed at MAJCOM HQs, they had more direct access to OPRs and a better understanding of the appropriate OPR for any given request. The local MAJCOM HQ FOIA managers, prior to the standup of AFIMSC, were better able to track and communicate with the OPRs, in person, if necessary, and follow-up on the status of HQ FOIA requests. Personnel at AFIMSC, a geographically separated organization under AFMC, lost this advantage and had less billets at the outset.

¹² AFIMSC accomplishes much of the MAJCOM training; SAF/CNZA oversees the standardization of training.

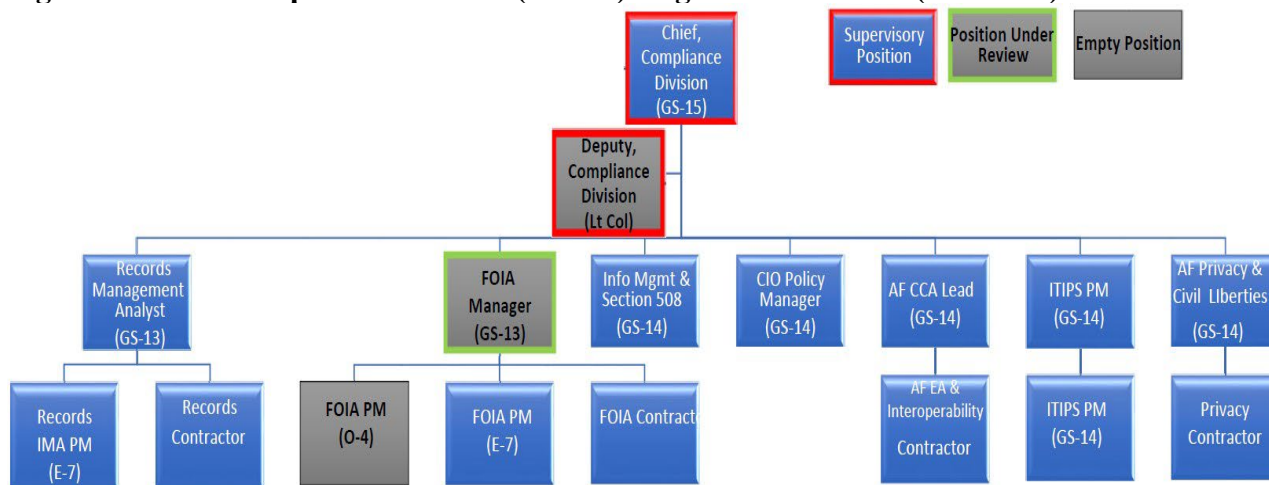
2018 – Workshop to improve FOIA resulted in recommendations but no action. One sentiment found across most interviews is that FOIA is not prioritized highly at most levels in the DAF. In 2018, DAF FOIA managers had a three-day workshop in San Antonio, Texas, to recommend ways to reduce the FOIA backlog. Suggested remedies included requesting SECAF sign a letter affirming the importance of the FOIA program. Other remedies included process improvements, additional personnel, and the use of Reserve members. None of the suggested remedies went into effect, and it is unclear why. A letter of support from SECAF could have bolstered the program. There have been periods when DAF senior leaders have found ways to inspire the DAF to improve FOIA responsiveness. For example, a former SAF/CNZA (b) (6), (b) (7)(C) stated that prior to 2016, FOIA had support from Lt Gen William Lord, then the AF/A6, who sent memos and videos to the DAF emphasizing FOIA's importance. However, as is often the case, attention and engagement from only a small subset of senior leaders rarely delivers sustained long-term improvements.

2019-early 2023 – Personnel exodus at key locations (SAF/CN, AFIMSC, and SAF/AA)

Staffing loss and billet shortages at SAF/CNZA. At the time SAF/IG began this FOIA review in Mar 2023, SAF/CN had two staff members running the entire DAF FOIA program: an E-7 in charge of overseeing DAF FOIA and a newly hired GS-15 division chief tasked with overseeing several AF compliance programs, including FOIA Management, Information Management, Chief Information Officer (CIO) Policy, Clinger-Cohen Act (CCA), Information Technology Investment Portfolio System (ITIPS), Privacy Act, Records Management, and Civil Liberties. SAF/CNZA also employed one contractor. The 2023 DAF FOIA staffing level (two government employees and a contractor) is steeply reduced from the 8-person staff the office had in Feb 2009. At that time, prior to the stand up of AFIMSC, three SAF/CN FOIA managers were assigned to assist MAJCOMs with the largest FOIA request backlogs.

In addition to the significant decline in staffing levels, the existing GS billets at SAF/CNZA have had duties added over time, diluting their attention on FOIA. For example, the GS-15 SAF/CNZA division chief's role expanded in 2017. Then, the duties of another GS-15 division chief position, which included CCA, Privacy, and Portfolio Management, were combined with the SAF/CNZA division chief's duties; FOIA and Records Management programs. After consolidating the duties of the two positions into one, SAF/CN moved one of the GS-15 billets elsewhere, leaving the SAF/CNZA division chief in charge of several additional programs. This consolidation expanded the division chief's duties and diminished focus on the FOIA program. The CNZA division chief left in 2022, taking 17 years of FOIA experience and historical knowledge. For six months, one E-7 and a contractor ran the DAF FOIA program until in late 2022, SAF/CNZ hired a GS-15 from AFOSI, familiar with how AFOSI successfully lessened its backlog. Similarly, the GS-13 FOIA program manager position in SAF/CNZA gradually accumulated other programs before its long-time incumbent left in December 2022.

Figure 4. CISO Compliance Division (CNZA) Organization Chart (Jun 2023)



Data Source: SAF/CNZA.

As the organizational chart depicts, a GS-15 division chief leads the Compliance Division (SAF/CNZA) and its seven subordinate branches, one of which is the FOIA branch. GS-14s lead five other branches in the Compliance Division, but GS-13s lead FOIA and Records Management. SAF/CNZA is trying to upgrade its FOIA position to a GS-14.

There are four positions within SAF/CNZA's FOIA Branch, as depicted above. The GS-13 FOIA Branch Chief position has been empty since Dec 2022 and is awaiting a classification upgrade to a GS-14. This position is responsible for DAF FOIA policy and guidance, public liaison, running the Help Desk, the AF Federal Registry Liaison, and managing all significant FOIAs.¹³ This is in addition to other duties that are not included in AFMAN 33-302, such as maintaining historical data on the FOIA program and compiling statistics for annual reports to the DoD on FOIA. Consolidating and tracking FOIA data for long-term trends is not identified as one of the branch chief's responsibilities. The military FOIA program manager, an O-4 billet, is chronically vacant because of other priorities for 17S officers across the DAF. Consequently, one E-7 and a contractor accomplish all tasks associated with leading the entire DAF FOIA program. SAF/CN also previously had three contract employees assisting with FOIA but eliminated two in Dec 2019 after an unsuccessful effort to continue funding the contract.

¹³ While AFMAN 33-302 states SAF/CIO (CNZ) will be notified of any significant FOIA request, it does not stipulate SAF/CNZA should process these requests. However, SAF/CNZA has taken on this responsibility because significant FOIA requests may require review by SAF/PA or DoD/PA, as determined by SAF/CNZA. Significant FOIA requests require coordination with SECDEF and AF/JA. They are almost always complex FOIAs, requiring well over the Congressionally allowed 30 days to process.

The previous occupant of the GS-13 FOIA Branch Manager position filled it for 10 years and had more than 20 years of experience in FOIA. The individual departed (b) (6), (b) (7)(C) 2022 for a GS-14 position at the Defense Health Agency (DHA), where the individual says FOIA duties are less demanding. (b) (6), (b) (6), (b) (7)(C) the SAF/CNZA FOIA workload frequently demanded working extended hours without overtime.¹⁴ Before the individual departed, SAF/CNZA attempted to justify an upgrade for the position by proposing to add a third program to the position's duties. (b) (6), (b) (7)(C) the demands of the position, prior to any addition of a third program, vastly exceeded what one person could accomplish in an 8-hour workday; this added duty was the "final straw" leading to the departure.

The departure of these two key personnel in SAF/CNZ, the Division Chief of SAF/CNZA in early 2022 and the FOIA Branch Manager in Dec 2022, left a critical gap filled by one E-7 new to FOIA management and one contractor. Of importance, contractors have utility in the FOIA program but must be used in accordance with FOIA law as articulated in AFMAN 33-302 section 3.10, which states contractors cannot accomplish FOIA functions that are "inherently governmental activities," including formulating policy, making denial/release determinations, interpreting the scope of requests, and providing final determinations regarding requests. Examples of functions contractors may perform, according to AFMAN 33-302, include making redactions under an Initial Denial Authority (IDA), preparing correspondence for government officials, communicating the status of FOIA requests, recommending denial of information, and entering data into FOIA tracking systems.

SAF/CNZ is the DAF's Chief Information Security Officer (CISO). The current CISO has held the position since Nov 2021 and is aware of the mounting issues in DAF FOIA. The CISO has staffing challenges in several programs. Since 2018, SAF/CNZ has only had one billet added to its UMD to account for the addition of USSF equities to the CISO's broad responsibilities. SAF/CNZ has been weighing requirements for the FOIA Branch against SAF/CNZ's many other priorities and exploring the possibilities for improving the FOIA structure. Until as recently as Oct 2023, SAF/CNZ staff members believed they could not increase FOIA billets due to Congressional limits on personnel at the Pentagon. Further exploration is required to determine if there are exceptions to these limits for the FOIA program. Regardless, the FOIA program faces competition from other important SAF/CN programs, including DAF cyber security. SAF/CNZ intends to utilize data from the AFAA Audit, this IG inquiry, past audits, and additional studies by SAF/CNZA to find courses of action (COAs) to create an effective, compliant FOIA program.

In a 2022 manpower study by the Air Force Manpower Analysis Agency-Operating Location (AFMAA-OL), AFMAA-OL recommended four Full-Time Equivalents (FTEs) for SAF/CNZA's FOIA branch, one more than the current three (two GS and one military), which is insufficient to lead the DAF-wide FOIA program. It appears the manpower study still

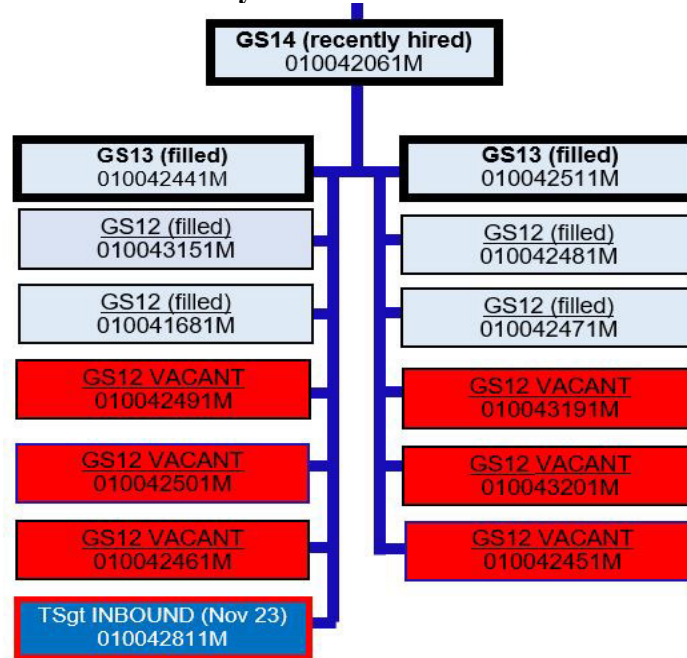
¹⁴ The employee did not ask for overtime.

underestimated the staffing needs for FOIA management. The study made little consideration for SAF/CNZA's position as lead for the larger FOIA effort and did not look at historical norms for running an effective program. The manpower study also did not recognize SAF/CNZA has a 17S billet that is chronically unfilled due to the high demand for 17S officers in cyber security. The branch was established with eight personnel in 2009, and until reductions in this number and the number of DAF-wide FOIA personnel took place, it successfully drove the DAF backlog down. SAF/CNZA's current staffing level requires other organizations, such as SAF/A&I and AFIMSC, to manage aspects of FOIA without the appropriate authority.

Staffing loss at AFIMSC. AFIMSC's FOIA Branch is the largest centralized FOIA organization in the DAF. As such, it has a critical role in managing FOIA requests. Seven of AFIMSC's current 13 FOIA and Privacy Act Branch GS billets (11 FOIA and 2 Privacy Act) and its single military billet became vacant between 2021 and early 2023. SMEs testified AFIMSC's personnel challenges in its FOIA program occurred after leadership carried out grade reductions. In 2021, the AFIMSC FOIA and Privacy Act Branch changed its four non-supervisory GS-13s to two supervisory GS-13s and two non-supervisory GS-12s. This change left the branch with two GS-13 billets and eight GS-12 billets focused on FOIA (another two GS-12s focus on Privacy Act). These position changes drove an exodus of seven experienced FOIA personnel to join the DHA FOIA program, filling new, primarily non-supervisory GS-13 positions. The departures drove low manning at AFIMSC's FOIA Branch, and only recently has hiring for the vacant positions begun. As of 9 Nov 23, the AFIMSC FOIA Branch had vacancies in five of 14 civilian billets. The GS-14 FOIA and Privacy Act Branch Manager billet was filled with an experienced FOIA manager in Jul 2023. One military billet was filled last month, and one civilian began work (b) (6), (b) (7) Nov 23. As of spring 2023, selections were ongoing for the remaining five positions, which have been converted to remote hires. The loss of these FOIA managers over such a short period further increased the FOIA backlog and worsened training deficiencies across the MAJCOMs.

Training is another area AFIMSC has taken on without any specific policy requirement to do so. AFIMSC's role in oversight of all MAJCOM HQ FOIA and its higher number of personnel would normally place it in the best position to conduct training for MAJCOM HQs. However, chronic personnel shortages limit their ability to conduct this voluntary training effectively. One of the individuals involved in the reduction in grade change told SAF/IG the change was meant to optimize communications among the positions. The individual stated a GS-14 branch chief in charge of four GS-13 non-supervisory and six GS-12 positions provided too large of a management challenge for the GS-14. Also, GS-12s informed management they did as much work as the GS-13s, resulting in an audit of the organization. The audit concluded the GS-12s were doing as much as the GS-13s. AFIMSC then reduced two GS-13s to GS-12. DHA provided GS-13 positions with more telework flexibility than AFIMSC, and DHA's FOIA demands were considered less demanding than the DAF's. Personnel from other DAF FOIA offices have also left to work at DHA and other FOIA offices outside of DAF for similar reasons.

Figure 5. AFIMSC FOIA and Privacy Act Branch



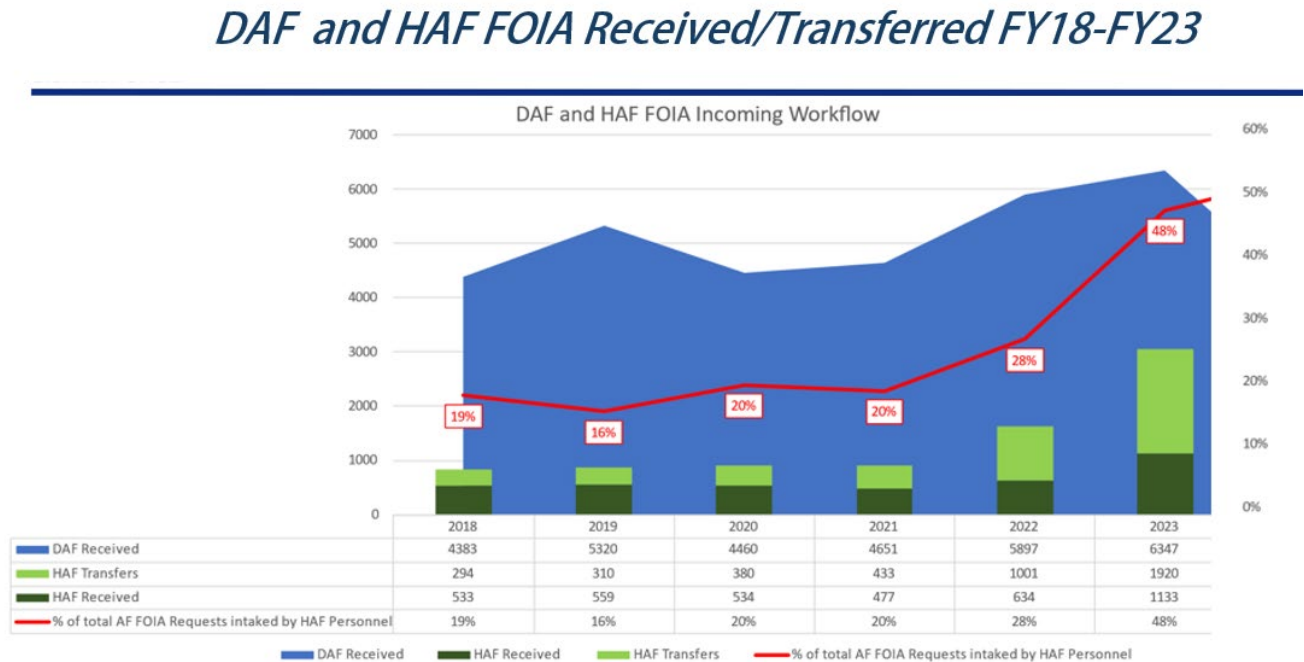
Notes: AFIMSC’s FOIA and Privacy Act branch had six vacant civilian and one vacant military billet for over a year. AFIMSC filled the Branch Chief position in Mar 2023. Two of the billets focus on Privacy Act cases.
 Data Source: AFIMSC

Understaffing at SAF/AAIL and national website activation. SAF/AAIL is another FOIA hub for the DAF. The Operations Branch Chief for SAF/AAIL, a GS-14, conducts the FOIA program for all two-letter organizations in the Pentagon as one of its tasks. FOIA takes up 80% of the branch chief’s work effort. SAF/AAIL handles FOIA, litigation, appeals, consultations, classified cases, and Privacy Act. The (b) (6), (b) (7)(C) stated five GS employees were dedicated to FOIA in 2019, including a hiring manager and four FOIA/Privacy Act specialists. However, three employees left, including the hiring manager, between 2019 and 2020, leaving two civilians responsible for FOIA and Privacy Act until Dec 2022. In 2023, the branch chief was hired, and SAF/AAIL leadership also pulled one billet from the mailroom and added it to the five, and the branch received a billet for US Space Force FOIA and Privacy Act. The Operations Branch Chief also has one part-time military member on loan, shared with another branch in SAF/AA and receives assistance from a GS-12 attorney, who is also on loan from elsewhere in SAF/AA to work on specialized FOIA cases. The Operations Branch Chief’s predecessor at SAF/AAIL was a FOIA SME who left with more than 10 years of experience in FOIA and 15 years of experience as a declassification specialist prior to that. (b) (6), (b) (7)(C) DAF leadership was not supportive of the FOIA program, did not have well-conceived ideas of how to fix it, and did not understand the work SAF/AAIL did in addition to processing FOIA requests. SAF/AAIL made significant efforts to hire into empty FOIA billets this year. It also stood up a

Tiger Team from Apr to Sep 2023 to assist with the backlog that accumulated during a two-year period when the branch had only two civilian employees working FOIA requests.

In early 2022, <https://www.FOIA.gov/> was activated, providing a consolidated gateway for members of the public to request information from the USG. This change made FOIA requests easier to submit and was an addition to the already established eFOIA system through which the DAF normally receives requests. Each USG agency was required to provide one email address to receive all requests through FOIA.gov, and the DAF placed this responsibility with SAF/AAIL, a new responsibility that came with no additional manning. Between 2022 and 2023, the FOIA.gov site generated a 375% increase in the volume of cases going to SAF/AAIL from an average of 36 cases per month in FY21 to 83 cases per month in FY22 to 135 cases per month as of April 2023 in FY23. In sum, transfers rose significantly after the FOIA.gov standup in the first half of 2022, increasing the burden on SAF/AAIL, which was already understaffed.

Figure 6. FOIA Transfers from SAF/AAIL, FY 21-23



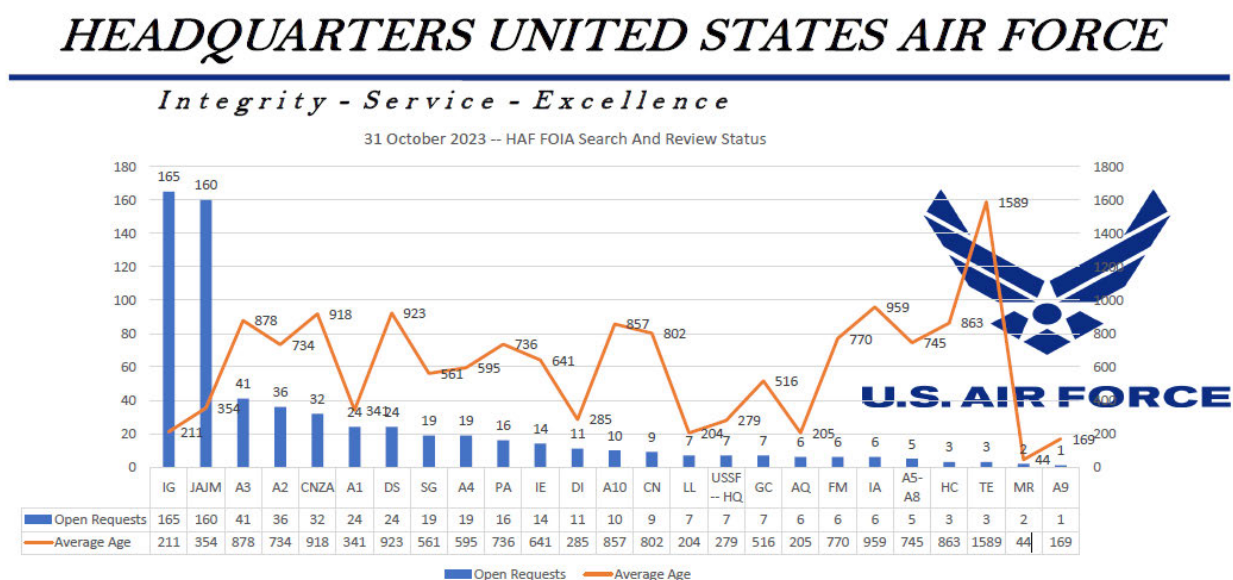
Data obtained from the DOD Annual FOIA Report

While SAF/AAIL transfers many of these cases to other organizations, such as AFIMSC, these transfers still create an additional workload for SAF/AAIL. Prior to transfer, SAF/AAIL must review each case to determine which RSC should receive them. Sending cases to AFIMSC

is not straightforward because AFIMSC business rules require the sender to determine the appropriate MAJCOM representatives at AFIMSC for the case. Thus, SAF/AAIL must read and understand the case well enough to make this determination. It is often necessary to send complex cases to multiple MAJCOMs. This process has brought additional burdens and costs to SAF/AAIL, which manages more programs than it did a decade ago, with no increase in staffing. AFIMSC, for its part, also must transfer many cases to bases within the MAJCOM HQs it services, slowing down the responses to requesters.

In 2023, the total DAF backlog was 2,720 requests. eFOIA data is not yet fully reliable but the current data suggests the largest DAF-wide backlogs in 2023, those contributing over 5% of backlog as of Nov 2023, were at HAF (894), ANG (440), and AFIMSC (276).

Figure 7. HAF FOIA Search and Review Status – October 2023



Data Source: SAF/AAIL internal tracking of HAF/SAF HQ level FOIA open requests. Approximately 95% of the open requests were past 30 days, placing them into the category of backlog, as of the date of this report. The SAF/HAF FOIA backlog represents about 22% of the DAF backlog of over 2700 requests.

Within HAF and SAF level organizations, which contributed about 22% of the DAF backlog, the largest contributors as of Oct 2023 were SAF/IG, at 155 backlogged requests out of 165 current requests IG has in its queue, and the Air Force JAG Corps (JAJM), with 154 backlogged requests out of 160 FOIA requests JAJM has in its queue. Each of these organizations accounts for approximately 18% of HAF's backlog. However, SAF/IG and JAJM also had the highest volume requests for FY2023, receiving 15% and 9% of all HAF FOIA requests, respectively. SAF/IG has received an average of 152 requests per FY since 2021, and JAJM has

received an average of 111 requests per FY since 2021. Organizations with lower backlog levels, such as SAF/LL, SAF/MR, and SAF/PA also have lower request levels, averaging 17, 38, and 23 requests per FY since 2021.

Of the MAJCOMS, when totaling HQs and their subordinate bases and wings, the biggest backlogs were at AFMC (329), ACC (176), and AETC (153). USSF had 161 backlogged requests at the end of FY23. Those organizations that received the most requests typically contributed to the highest backlog. For example, AFMC received the most requests (874) in 2023, followed by ACC (551) and AETC (482). AFMC received 23.3% of the MAJCOM FOIA requests in 2023 and it accounts for 26.4% of the total MAJCOM backlog. ACC, similarly, received 14.6% of the requests and has 14.2% of the MAJCOM backlog. Finally, AETC received 12.8% of the requests and has 12.3% of the MAJCOM backlog. One notable exception to the relationship between the number of requests and backlog is AMC, which received the fourth-largest number of requests in 2023 at 427 or 11.4% of the requests, but only has only 5.6% of the backlog.

VI. EXTERNAL AGENCY LESSONS LEARNED

This inquiry explored FOIA programs of seven external agencies and interviewed directors to find best practices and lessons learned applicable to the DAF FOIA program. Of the seven, five agencies provided lessons learned applicable to the DAF FOIA program:

DoD IG FOIA, Privacy and Civil Liberties Office. Of the external agencies interviewed, DoD IG represented the best example of a FOIA program that successfully reduced its backlog through direct action. In 2015, DoD IG's FOIA backlog reached a high of 645. The agency reviewed its FOIA program and took several steps to improve it, resulting in a decline in the backlog over the next seven years to 176 in 2022. (b) (6), (b) (7)(C) DoD IG's FOIA office stated the improvement in backlog and the program hinged on four main changes: (1) an increase in FOIA personnel from 6 to 14, including an increase from one to three IDAs; (2) support from DoD IG leadership for the FOIA program by tying FOIA responsiveness to performance ratings at the Senior Executive Service (SES) level; (3) replacing a cradle-to-grave structure of processing FOIA requests wherein one person would receive a request and take it through to completion, to a phased-base system wherein a highly experienced intake team conducted initial procedures related to FOIA requests, and another team carried out redactions and responses; and (4) promoting quality customer service by ensuring phone calls and emails regarding FOIA requests are answered within one to two business days.¹⁵ When DoD IG increased to a 14-person FOIA office, it divided the personnel into two teams, each with an IDA, to prevent one of the issues contributing to its backlog—a bottleneck at the single IDA the agency had. Prior to the change, the lone IDA had to review more than 2,000 pages of FOIA requests weekly, resulting in an ever-increasing backlog. With the two-team concept, an IDA was placed in charge of each

¹⁵ Improved customer response levels lessen the likelihood of FOIA-related litigation.

team, with the GS-15 director also certified as an IDA, increasing the total number of IDAs to three. Also, the grades of the civilians ranged from GS-11 through the GS-14 team leads, allowing career progression. DoD IG made the effort to thoroughly review their program, and they successfully improved their FOIA program as a result. Such reviews could be conducted DAF-wide at all organizations where the backlog is over 5% of the DAF backlog to determine the root causes for the backlog.

Department of Navy (DoN) FOIA Office. The DoN FOIA office includes two FOIA program execution offices, one for the US Navy and its 35 RSCs, and one for the US Marine Corps and its 28 RSCs. The DoN FOIA reports to the Navy's Office of the CIO under the Chief of Naval Operations. The DoN FOIA office has experienced a decline in its backlog over the past decade, from a high of 2,183 in 2014 to 1,048 in 2022. A DoN SME stated the top three elements required to reduce a service's backlog include (1) sufficient personnel; (2) sufficient technology; and (3) quality legal services. The SME also stated FOIA laws need updating. One specific area that needs improvement is the categorization of who can be a media requestor for FOIA, which the SME believes is currently too broad. Also, information that is not classified but would reveal vulnerabilities in critical infrastructure, called DoD Critical Infrastructure Security Information (DCRIT), negatively affects the DoN's backlog because such information requires an exemption from SECDEF. Because of the wait for such a high-level approval, the backlog of FOIA requests related to DCRIT information can last for years. In this case, the law does not practically address this type of exemption, which should be delegated to a lower level, according to the SME.

US Army FOIA Office. The Army has a separate agency responsible for publishing, declassification, the Army Section 508 Program (providing access to disabled employees), and records management, which includes its FOIA management team. Army ESA reports to the US Army CIO, who in turn reports to the Secretary of the Army. The Enterprise Service Agency (ESA) is comprised of over 140 civilians and contractor personnel led by an SES. Within ESA, the Army Records Management Directorate contains the Army FOIA Office. Within the Army FOI Office, seven billets are allocated to FOIA, Privacy Act, and Civil Liberties, two of which were filled in Sep 2023. The FOIA team at ESA writes FOIA policy, refers FOIA requests to RSCs, fields all www.FOIA.gov requests, and oversees the program. The Army FOIA program is distributed across the service, with 38 IDAs who manage the FOIA programs under their purview, and 386 FOIA managers. Using the Army's case management system, Freedom of Information Act Case Tracker (FACTS), the Army FOIA Office Director can track all requests being processed through the 38 IDAs.

According to the OSD FOIA Directorate, the Army has experienced a steady increase in its backlog for over a decade, culminating in a 2022 backlog of 1,921 cases. Over the past decade the Army has processed between 20,000 and 30,000 FOIA requests per year; almost four times as much as the DAF, which processes 4,000 to 6,000 requests yearly. However, the Army counts its FOIA requests differently from the DAF, making comparisons difficult. For example, if the Army refers a FOIA request to another agency, it counts the request in its total, whereas the DAF

does not count referrals. The Army is around 1.85 times the size of the DAF in total personnel (Active Duty, Guard, Reserve, and Civilians) and employs twice the number of FOIA personnel, at 386 to the DAF's current 192. The Army FOIA Office Director notes in years when the Army had fewer FOIA personnel, it had a higher backlog. Also, the advent of FOIA.gov in 2019 increased requests coming to the HQ from five to 20-25 per day.

National Archives and Records Administration (NARA) FOIA Office. The NARA Chief FOIA Officer Report stated it received 14,977 FOIA requests in FY22, over twice what the DAF receives. NARA had a backlog of 9,969 at the end of FY22, which it stated was about the same as the previous FY. NARA was unable to reduce its backlog due to a temporary decrease in its FOIA processing staff and several highly complex cases it received. NARA has 371 technicians who respond to a host of categories of requests, including FOIA amounting to more than 27,000 requests a week of various types, including FOIA, regarding information in the Archives. Staff in the grades of GS-4 to GS-6 handle the simple requests, which account for the majority of requests. NARA also uses a Case Management and Reporting Service (CMRS) to track requests throughout their lifecycle. It automates, to the extent possible, the large number of simple and similar requests, such as those for DD-214s. More complex requests are handled by personnel at the GS-11 to GS-13 level, with oversight positions at GS-13 and GS-14. Many requests become referrals, such as any military department-related requests where the veteran concerned served less than 62 years ago. After 62 years, military records are maintained at NARA rather than by the military service. As a result of the automation of its simple requests, NARA can process a high volume of requests. Importantly, because NARA's core mission is to provide public access to federal records in its custody, FOIA requests are considered a core duty.

OSD FOIA Directorate. The OSD FOIA Directorate reports to the Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency (ATSD-PCLT). The office ensures the 34 components with FOIA Resource Centers adhere to DoD FOIA policy. OSD FOIA handles all reports, including monthly, annual, and the Chief FOIA Officer Report to the Department of Justice (DoJ). The directorate consolidates reports from the DoD components and sends a combined report to DoJ annually (in addition to the Chief FOIA Officer Report). It also sends out guidance from DoJ to the components. OSD FOIA SMEs stated that all DoD components that receive large volumes of FOIA requests struggle to keep up with them, mainly due to a lack of resources devoted to processing requests and a lack of leadership involvement in the FOIA process. The SMEs explained that while the DAF backlog has increased considerably, the DAF is processing a large number of FOIA cases annually. One SME said military components place FOIA at lower priorities during heightened military operations, while during and following such periods, the number of FOIAs increases. The same SME opined FOIA should be considered in budget planning related to wars and contingency operations. The directorate is forming a pilot program to assist agencies with contracts for processing FOIA. The pilot will be used to assist US Central Command (USCENTCOM) first, but if successful, the directorate may open up the program to other components.

VII. SIGNIFICANT ISSUES FOUND/RECOMMENDATIONS

SAF/IG identified the following issues and recommendations during this inquiry (ordered by priority):

ISSUE 1: Insufficient and inexperienced FOIA manpower.

There is insufficient FOIA staffing at key locations and DAF-wide, as well as inexperienced FOIA managers at communications squadrons.

SAF/CNZA. The exodus of highly qualified key employees at SAF/CNZA, SAF/AAII, and AFIMSC is the core source of the DAF's excessive backlog. SAF/CNZA's small FOIA workforce of one E-7 and a contractor is insufficient to fulfill the duties required for the FOIA program. SAF/CNZA has insufficient personnel to provide oversight of the program, communicate across the DAF with policy guidance, manage "Significant" FOIA requests, or act on feedback and requests for sustainable program improvements from FOIA managers. In many cases, SAF/AAII and AFIMSC must fill gaps SAF/CNZA is not able to handle. For example, SAF/AAII and AFIMSC track statistics on cases and backlog. However, they track statistics for HAF/SAF cases and MAJCOM HQs, not for the larger DAF-wide FOIA requests and backlog. More robust and accurate tracking across the DAF at the SAF/CNZA level is essential. SAF/CNZA should be able to clearly, quickly, and accurately articulate which organizations within the DAF are experiencing the biggest issues with backlog. It cannot fulfill such a role without additional personnel.

SAF/AAII and HAF/SAF two-letter organizations. SAF/AAII is also insufficiently staffed to manage HAF and SAF's large backlog. SAF/AAII has successfully rehired into its billets and obtained one new billet due to the added responsibility of the USSF FOIA. However, more manpower is required to help with the significantly increased workload of transfers from the FOIA.gov website. To manage the SAF and HAF two-letter backlog, SAF/AAII's Tiger Team worked from Apr through Sep 2023, providing near-term relief. However, temporary teams are not the ideal long-term solution for DAF FOIA backlog reduction because of the higher risk of releasing sensitive information due to lack of experience and training. Permanent, highly trained personnel are more efficient. Also, SAF/IG and AF/JAJAM, who have the largest number of requests and contribute the most to this part of the DAF backlog, should review their internal FOIA program to determine if they have sufficient personnel for the volume of complex requests.

AFIMSC. AFIMSC, for its part, holds among the largest number of billets dedicated to FOIA but lost 50% of its staff due to discontent over changing the grade of its civilian billets. As of Nov 2023, only 50% of AFIMSC's civilian FOIA billets are filled, though hiring actions were underway.

ANG. The NGB's RSC, which processes all ANG FOIA requests, is significantly undermanned. The ANG backlog as of November 2023 was at 440 requests (16% of the total DAF backlog). After 2009, FOIA and Privacy Act managers were centralized from the 108 ANG wings to the NGB RSC, staffed with three full-time civilian employees responsible for ANG, ARNG, and NGB, and three temporary ANG personnel on orders. For comparison, a 2015 Manpower Study by the U.S. Army Manpower Analysis Agency recommended nine full-time civilian billets dedicated to just National Guard FOIA and Privacy Act programs.

Other organizations. In addition to these specific cases, the number of personnel DAF-wide involved in processing FOIA has remained below the levels needed to adequately decrease the backlog for over a decade.

Communications squadron junior military personnel as FOIA managers. FOIA SMEs, including a former communications squadron commander, perceived that communications squadrons, often responsible for base-level FOIA management, do not typically prioritize FOIA highly against other priorities, such as cyber security and IT support. Often, young Airmen fill the FOIA manager role. Even if they have appropriate training, junior Airmen often lack the experience to understand complex FOIA requests. They also can be burdened with more pressing responsibilities and move roles and units frequently, leading to gaps in experience and training. These gaps, in turn, lead to a rising backlog and a higher potential for improper disclosure of information that should be withheld from FOIA requesters.

RECOMMENDATIONS:

- (OPR: SAF/CN) Restore SAF/CNZA personnel and increase billets to manage the service-wide program, facilitate command, control, and communication with DAF FOIA managers, track FOIA statistics more accurately, enable sustainable improvements after determining the major sources of backlog across the DAF, manage "significant" FOIA requests, implement policy changes, improve eFOIA, and designate clear responsibilities for organizations involved in FOIA.
- (OPR: SAF/AA) Provide SAF/AII additional manpower to manage FOIA.gov website requests and transfers for DAF, a requirement SAF/AII accepted with no additional manpower.
- (OPR: SAF/CN) Establish a FOIA office or Field Operating Agency (FOA) at the SAF/CN level to allow the proper focus and management of the FOIA mission. This effort should not result in net reductions of FOIA billets or additional centralization away from field units.
- (OPR: SAF/CN) Direct the largest backlog contributors within HAF/SAF and MAJCOMs/FLDCOMs (as determined by SAF/CN) to review their programs to determine

the primary source of their backlog (e.g., insufficient or inexperienced personnel, inefficient processes, communications issues, etc.) and implement changes for sustained improvement.

- Currently, SAF/IG (165 backlogged requests or 5.7% of the DAF backlog) and JAJM (160 backlogged requests or 5.6% of the DAF backlog) are the largest contributors to the HAF/SAF FOIA backlog. The most common cause of higher backlog is insufficient manpower, but for some organizations, there may be other causes of higher backlog, such as inefficient processes or external events. Each organization contributing substantially to the backlog should provide an analysis of the root causes.
- In Dec 2023, MAJCOM contributors included AFMC (329 total backlogged requests or 11.5% of the DAF backlog), ACC (176 backlogged requests or 6.1% of the DAF backlog), and AETC (153 of backlogged requests or 5% of the DAF backlog). USSF (161 backlogged requests or 5.6% of the DAF backlog) should also review its FOIA processes and work with AFIMSC and SAF/CNZA to determine a path forward for sustained improvement.
- (OPR: AFIMSC) Reverse AFIMSC grade restructuring and downgrade of FOIA billets. Examine allocations of MAJCOM resources towards the highest HQ backlogs (ACC at 92 and AFDW at 73).
- (OPR: AFIMSC) Work with SAF/CNZA to ensure eFOIA-derived statistics clearly delineate between the MAJCOM HQ backlog for which AFIMSC responsible and base-level backlog for which the MAJCOMs are responsible
- (OPR: ANG) The NGB RSC should add billets to process ANG FOIAs (440 backlogged requests or 15.4% of the DAF backlog). Alternatively, a new FOIA office could be established for ANG FOIA within the ANG Readiness Center (ANGRC) rather than at NGB, where personnel split their time between ARNG and NGB FOIA requests.
- (OPR: AFIMSC) Replace junior military personnel in communications squadrons with government civilian billets of appropriate rank, depending upon the size and complexity of the FOIA account. Move the FOIA management position to a higher echelon, such as the wing level (e.g., the A6 office), to bring increased attention to the program and provide FOIA managers more command support to accomplish FOIA requests.

ISSUE 2: Insufficient data management and FOIA request tracking. FOIA requests are not trackable throughout the DAF, and no single organization keeps consolidated data on the DAF FOIA program. The DAF receives FOIA requests from many sources. The FOIA manager at (b) (6), (b) (7)(C) estimated 75% of the requests received come directly to them via email and phone,

and the other 25% come from AFIMSC, which may have received the requests directly or as referrals from SAF/AII (from FOIA.gov). Once FOIA managers at proper units receive the requests, they study them and find the appropriate OPRs to resolve them. If data files are too large, they provide the OPRs with the requests via email through DoD Secure Access File Exchange (SAFE). The use of email, TMT, SAFE, Teams, and other systems to disseminate FOIA requests to OPRs leads to a disparate, untraceable clutter of FOIA requests across the DAF. The (b) (6), (b) (7)(C) FOIA manager updates the status of requests in eFOIA as information is received from the assigned OPRs. At (b) (6), (b) (7)(C) OPRs work assigned FOIA requests through encrypted email and DoD SAFE. Because most OPRs do not have access or training to use eFOIA, it is essential that FOIA managers keep eFOIA up to date with the status of each request through consistent dialogue with OPRs.

This practice is inconsistent throughout the DAF. Tracking of FOIA requests, therefore, is one of the core issues with latency. For example, SAF/AII has consistently found tracking FOIA requests after managers send requests to two-letter OPRs very challenging. (b) (6), (b) (7)(C) the biggest single problem in processing FOIAs is the “black hole that happens from when a two-letter believes they are closing a request and how that gets communicated to the FOIA liaison, and how it gets acted on.” In some cases, OPRs may believe they have closed requests, but unless the requests have been closed in the eFOIA system after proper legal reviews, they are not finalized and are considered late. Due to FOIA tracking system discontinuities, once SAF/AII sends a FOIA request to an OPR, it is not able to easily track where the request is being processed because OPRs forward requests to others without informing the FOIA manager. This is not a unique experience. AFIMSC has also faced challenges knowing the status and location of FOIA requests once AFIMSC sends them to OPRs at the MAJCOMs. The shifting of organization emails resulted in FOIA requests being sent to organizational boxes that are no longer checked. COVID-19 levied additional challenges on the system when teleworking made it more difficult to find OPRs as personnel shifted phone numbers. FOIA managers have not consistently followed up when no response comes from OPRs.

Also, consolidated data from SAF/CN, SAF/AA, and other organizations that handle FOIA was generally only available going back to 2017, although some local FOIA offices, such as NGB FOIA, maintain longer-term data for their organizations. Data and metrics, including those derived through eFOIA and past reports to DoD, should be more readily tracked and made available to understand current performance relative to past performance better. Record management rules require the destruction of some FOIA records after six years, but this should not stop the tracking of historical statistics. Providing consolidated historical data to auditors and the IG throughout this review was not possible for (b) (6), (b) (7)(C) CNZA and the FOIA Manager due to gaps in personnel coverage in 2022. SAF/IG obtained and compiled the data instead through historical FOIA reports that DoD provided to Congress each year and additional specific requests to SMEs at SAF/AII, AFIMSC, and SAF/CNZA.

RECOMMENDATIONS:

- (OPR: SAF/CN) Direct OPRs and FOIA managers to use eFOIA across the DAF to track request statuses and foster a dialogue to continually monitor the success of resolving FOIA requests. OPRs trained to use eFOIA would allow greater accounting of FOIA requests but could require a formalized eFOIA helpdesk because of the large increase in accounts necessary if all OPRs use eFOIA.¹⁶ Also, eFOIA cannot host classified information, making it less useful for some organizations to use for storing data related to FOIA requests. However, these organizations can still log FOIA requests in eFOIA and use it as a tracking tool while storing the classified data elsewhere. Universal eFOIA use for all unclassified functions would greatly improve SAF/CNZA's ability to rapidly pinpoint organizations contributing heavily to the backlog, ascertain why, and take action to remedy the situation. Similar to using the Automated Case Tracking System (ACTS) for IG complaints, a consistent use of eFOIA would provide much more status information than is currently available.
- (OPR: SAF/CN) Ensure SAF/CNZA maintains data and metrics on FOIA requests and the organizations processing them. This will require SAF/CNZA to have the personnel necessary to take on this responsibility. SAF/CN requires more staff to track historical data on the DAF FOIA program, and the DAF should write this function into policy.

ISSUE 3: Inadequate eFOIA capabilities and training. eFOIA needs technical improvements, and managers need further eFOIA training. Some SMEs have asked for better capabilities in eFOIA, particularly if that system is to be more widely mandated for use. The system's inability to handle large files forces communications about large FOIA requests into DoD SAFE and email. These complex requests are also the greatest contributors to the backlog, so finding technical solutions in eFOIA for large data transfer would reduce the need for other systems. Also, eFOIA access is sometimes intermittent. For example, the entire system went offline for several days during this inquiry due to spillage. Other SMEs have asked for more use of templates and ways to redact documents in eFOIA, something SAF/CNZA says should be available already, indicating a lack of adequate training and communications about the platform. Such training is not currently required or tracked for all OPRs and FOIA managers who use the system.

RECOMMENDATIONS:

- (OPR: SAF/CN) Fund improvements to the eFOIA system or an alternative FOIA administration system including ways for large file transfer and better continuity of service. SAF/CNZA should also be better staffed to consistently request input from across the FOIA

¹⁶ Currently SAF/CNZA carries out simple helpdesk functions, such as resetting passwords and granting accounts, while eFOIA contractors assist with more complex technical problems.

management field for improvements to eFOIA and negotiate these improvements with the vendor.

- (OPR: SAF/CN) Standardize training to ensure use of eFOIA, more accurate tracking of FOIA cases, and better understanding of how to use tools such as templates.

ISSUE 4: Insufficient prioritization by the chain of command. A common theme among those interviewed is that FOIA managers across the DAF need more support from leadership, emphasizing the importance of FOIA. Support is needed from the top down: SECAF to the local commander.

RECOMMENDATIONS:

- (OPRs: SAF/AA and SAF/CN) Draft a SECAF memorandum emphasizing FOIA. Vocal support is required from DAF leadership. Elevating the importance of enforcing timely and accurate responses to FOIA requests would telegraph a higher-level prioritization across the DAF and stem the rising backlog across the DAF. A memorandum from SECAF would appropriately emphasize statutory requirements and motivate more attention to FOIA processing. Such a memorandum would:
 - Remind commanders of their obligations to process FOIA requests accurately and efficiently and to plan for and appropriately resource for FOIA management.
 - Encourage subordinate commanders to ensure their FOIA managers are not overly burdened by non-FOIA-related duties.
- (OPR: SAF/CN) Direct commanders of wings/deltas with significant backlogs (as identified by SAF/CNZA) to assess their FOIA programs for sustainable improvements and provide regular updates to their MAJCOMs/FLDCOMs.
- (OPR: SAF/CN) Direct regular updates in some form, such as monthly reports or briefings to appropriate organizational commanders and directors, by FOIA managers on the status of FOIA requests. Such reports raise the visibility of FOIA statutory requirements, inform the chain of OPRs who may need assistance or prioritization of effort, result in dialogue that can determine the status of FOIA requests, and ultimately reduce the backlog.¹⁷
- (OPR: SAF/IG) Make the FOIA program a SAF/IG Special Interest Item that is inspected and tracked.

¹⁷ As an example, the WPAFB FOIA manager provides updates each week, month, quarter, and year to the “big ten” leadership on WPAFB, including the AFRL/CC, LCMC/CC, the WG/CC, and others in positions to keep FOIA requests flowing.

ISSUE 5: Required training is inconsistent throughout the DAF. DoDM 5400.07_AFMAN 33-302, paragraph 7.2.c states, “FOIA Managers and anyone who processes FOIA requests are required to complete annual Computer Based Training (CBT).” It goes on to “highly encourage” FOIA monitors, OPRs, and IDAs to complete annual training. Neither the DoDM nor the AFMAN specifies how such training should be tracked or what office should do so. The DoDM provides discretion to components to design their own FOIA educational and training programs to fit component requirements. DAF FOIA training requirements are not sufficiently formalized, and gaps in training are not readily identified because there is no designated force-wide training manager. AFIMSC provides training for the MAJCOM HQ FOIA managers and subordinate unit FOIA managers. SAF/AAII trains HQ FOIA monitors. However, no one ensures all FOIA monitors and managers across the DAF’s other units have satisfied training requirements prior to accessing eFOIA and handling FOIA redactions.

RECOMMENDATION:

- (OPR: SAF/CN) Through policy updates to AFMAN 33-302, direct minimum training levels for FOIA managers, monitors, and OPRs, and standardized mechanisms for such training. Determine which organizations can consistently provide such training for the commands, units, and HAF staff.

ISSUE 6: Lack of current policies and consistent policy communication with the field.

Policy updates to AFMAN 33-302 are needed. However, inadequate staffing at SAF/CNZA makes it challenging to create informed policy and communicate it across the DAF.

RECOMMENDATION:

- (OPR: SAF/CN) Conduct a policy review and solicit input from DAF FOIA managers to correct and improve outdated policies. Policy changes must be well-communicated to FOIA managers and incorporated into training.

ISSUE 7: FOIA managers face challenges finding appropriate OPRs for individual requests, creating initial delays. FOIA managers struggle to find the right OPRs for FOIA requests because of outdated organizational email addresses and phone numbers. When a supervisor replaces a FOIA monitor, manager, or IDA, some organizations, such as HAF, require the change be submitted in writing within five duty days.¹⁸ However, this requirement is only applicable to HAF personnel and is not followed consistently according to SAF/AAII. Also, there is no such requirement for OPRs. Complicating this problem, some OPRs destroy records when they PCS, retire, or separate from service simply by deleting their email, which, due to the

¹⁸ Headquarters Operating Instruction 33-18, *Headquarters Air Force Freedom of Information Act (FOIA) and Mandatory Declassification Review (MDR) Programs* (30 Sep 14), sets this requirement for HAF personnel.

lack of use of eFOIA, may be the only repository for information relevant to a particular FOIA request.

RECOMMENDATIONS:

- (OPR: SAF/CN) Through a policy update, direct supervisors to report changes in FOIA monitors, managers, and IDAs within a prescribed period to SAF/CNZA and/or AFIMSC.
- (OPR: SAF/CN) Through a policy update, direct out-processing checklists DAF-wide to have a block about FOIA, instructing personnel not to destroy or remove records.

ISSUE 8: Lack of career-field management force-wide. A senior leader in SAF/CNZA highlighted the challenge of improving the understanding of the state of the FOIA career field in the DAF. In 2012, the Office of Personnel Management (OPM) created the Government Information Specialist Job Series 0306 for FOIA and Privacy fields.¹⁹ OPM left the management of requirements associated with the job series up to agencies. As a result, the DAF employs other job series in FOIA positions.

RECOMMENDATION:

- (OPR: AFPC) Consider establishment of a functional career-field manager. Information such as how many billets are available, career progression possibilities, and strategic planning for career progression within the DAF program could better attract and grow experienced personnel across the DAF.

ISSUE 9: DAF does not fully account for all litigation costs, and DAF's litigation burden on DoJ is not fully understood. The DoJ requires agencies annually to “provide the sum of all costs expended by the agency in litigating FOIA requests. Include salaries of personnel involved in FOIA litigation, litigation overhead, attorney fees and costs, and any other FOIA litigation-related expenses.” The DAF report is compiled by SAF/CNZA and provided to the OSD FOIA office. However, due to insufficient staff, SAF/CNZA has relied solely on the annual FOIA litigation report from AF/JACL, the DAF's Information Litigation Branch. Litigation costs reported averaged \$327,334 from 2008 to 2022 for all DAF FOIA cases. This report represents DAF litigation costs in the main branch that assists DoJ in DAF-related FOIA litigation, but it does not include all costs outside of AF/JACL. SAF/AAII, for example, assists AF/JACL with litigation-related research with half of the time of one GS-11 (plus overhead). Also, FOIA managers and OPRs throughout the DAF provide temporary assistance with litigation costs. These costs are not currently accounted for.

¹⁹ According to “Professionalizing the FOIA Profession: The 0306 Government Information Specialist Job Series – The FOIA Ombudsman (archives.gov)”

Additionally, DoJ Assistant US Attorneys (AUSAs) represent the DAF in all court proceedings associated with DAF FOIA litigations. As of 30 Sep 23, the DoJ represents the DAF in over 38 FOIA cases. While the DoJ, rather than DAF, accounts for these attorney costs, it is important for DAF leadership to understand litigation costs reported to the DoD do not represent the full extent of litigation costs DAF FOIA delinquencies and violations bring to the USG.

RECOMMENDATIONS:

- (OPR: SAF/CN) Add SAF/AAIL litigation-related expenses and any other significant litigation-related expenses to the DAF/JACL total provided to OSD FOIA annually.
- (OPR: SAF/CN) Track the number of cases that require DoJ litigator involvement annually to maintain more robust statistics on costs to the USG associated with DAF FOIA.

VIII. FINAL ANALYSIS AND CONCLUSIONS

Key Lessons.

Personnel. Increasing expert personnel at offices with large FOIA demand and/or involvement significantly reduces the backlog, and the number of FOIA billets DAF-wide correlates with success in reducing the backlog. Data from DAF, DoD, and other USG agencies support these assertions, as do success stories at individual agencies, including DoD IG and AFOSI. The 2009-2011 increase in DAF FOIA personnel contributed to a decrease in the DAF backlog. Similarly, a reversion back to a lower average number of FOIA personnel from 2013 contributed to a long-term increase in backlog DAF-wide. It appears sufficient staffing of qualified personnel dedicated to processing FOIA requests reduces the backlog, and insufficient staffing of qualified FOIA personnel increases the backlog. Organizations that hold over 5% of the DAF backlog should conduct internal reviews to consider long term solutions to remedy their contributions to the backlog. If insufficient and/or insufficiently experienced personnel appear to be the primary causes for the backlog, AFMA should review the organization to substantiate such claims. The largest sources of backlog, HAF and ANG, require staffing increases.

SAF/CNZA's role in the leadership and management of the DAF FOIA program should be bolstered. SAF/CNZA's reduction in personnel resulted in the inability to lead and manage the FOIA program effectively, analyze and provide reliable data on it, give guidance to the field and advice to DAF leadership, receive feedback, provide oversight of training standards, oversight the information management system work (eFOIA), track data on the FOIA program, provide informed strategies for FOIA program improvements, manage an increasing number of "Significant" FOIA requests, or assist delinquent organizations to conform to standards.

The reduction and consolidation of FOIA billets to the AFIMSC FOIA and Privacy Act Branch did not ultimately improve the total backlog at MAJCOM HQs. However, information is

insufficient to provide a definitive conclusion as to the effectiveness of AFIMSC, because AFIMSC has fewer net billets than the MAJCOM HQs had prior to consolidation. Recently, AFIMSC has not been effective due to the departure of 50% of its FOIA workforce over the past two years, leaving only six filled billets for over a year. The backlog, meanwhile, has increased. Only as recently as Nov 2023, after the conversion of five billets to remote work, have selections been made to begin filling the remaining vacancies. AFIMSC only represents a little over 10% of the total DAF backlog, but it trains FOIA managers from across the MAJCOMs and subordinate units, which are responsible for over 30% of the backlog.

Tracking and accountability of FOIA requests. To improve management of FOIA requests across the DAF, commanders must have access to accurate data regarding the FOIA requests they are responsible for. OPRs and FOIA managers should track request statuses and foster a dialogue to continually monitor the success of resolving FOIA requests. SAF/CNZA must be able to accurately monitor which organizations are falling behind and work with them to improve. Clear leadership from an organization able to see in real-time where the backlog is growing fastest and provide timely information to the leadership of those organizations to reduce their backlog is required. An effective FOIA program requires a sufficiently staffed management team at the SAF/CNZA level. SAF/CNZA should also be better staffed to consistently request input from across the FOIA management field for improvements to eFOIA and negotiate these improvements with the vendor.

SAF/CNZA is writing policy to direct the use of eFOIA across the DAF for FOIA managers and OPRs. AFIMSC should also work with SAF/CNZA to ensure eFOIA-derived statistics delineate between the MAJCOM HQ backlog AFIMSC is responsible for and base-level backlog the MAJCOMs are responsible for. FOIA statistics should be consistently communicated with commanders across the DAF on a regular basis.

eFOIA technical improvements, and eFOIA training. The DAF should fund improvements to the eFOIA system or an alternative FOIA administration system including ways for large file transfer and better continuity of service. If eFOIA cannot process large files, DoD SAFE must be used for requests involving extensive documentation.

X. SUMMARY

The DAF FOIA program has faced increased FOIA request backlogs since 2012. A surge to 345 personnel working on FOIA across the DAF in 2011 reduced the backlog, but after the number of personnel dropped back to more traditional levels (averaging 181 personnel), the backlog has steadily increased. The expansion of the backlog accelerated in the past two years as the DAF suffered from a loss of experienced staff at SAF/CNZA, AFIMSC, and SAF/AAIL. Immediate actions are required to address the FOIA program. Challenges for the program include inadequate FOIA billets and personnel at those key locations, a lack of command and control, a lack of adequate tracking of FOIA requests through completion, a lack of consistent

FOIA statistics and data, insufficient attention from the chain of command, inconsistent training, insufficient/outdated policy, and a growing number of requests due to greater ease for the public to make FOIA requests via FOIA.gov. Recommendations include:

Personnel and other organizational sources for FOIA backlog.

1. (OPR: SAF/CN) Restore personnel and increase billets to manage the service-wide program and facilitate remedies described in this report. (Reference Section VII, Issue 1)
2. (OPR: SAF/AA) Provide SAF/A&I additional manpower to manage FOIA.gov website requests and transfers for DAF. (Reference Section VII, Issue 1)
3. (OPR: SAF/CN) Establish a FOIA office or Field Operating Agency (FOA) at the SAF/CN level to allow the proper focus and management of the FOIA mission. (Reference Section VII, Issue 1)
4. (OPR: SAF/CN) Direct the largest backlog contributors within HAF/SAF and MAJCOMs/FLDCOMs (as determined by SAF/CN) to review their programs to determine the primary source of their backlog (e.g., insufficient or inexperienced personnel, inefficient processes, communications issues, etc.) and implement changes for sustained improvement and report these changes to SAF/CNZA within 90 days of the publication of this report. (Reference Section VII, Issue 1)
5. (OPR: AFIMSC) Reverse AFIMSC grade restructuring and downgrade of FOIA billets. Examine allocations of MAJCOM resources towards the highest HQ backlogs. (Reference Section VII, Issue 1)
6. (OPR: ANG) The NGB RSC should add billets to process ANG FOIAs. Alternatively, a new FOIA office could be established for ANG FOIA within the ANG Readiness Center (ANGRC) rather than at NGB, where personnel split their time between ARNG and NGB FOIA requests. (Reference Section VII, Issue 1)
7. (OPR: AFIMSC) Replace junior military personnel in communications squadrons with government civilian billets of appropriate rank, depending upon the size and complexity of the FOIA account. Move the FOIA management position to a higher echelon, such as the wing level (e.g. the A6 office). (Reference Section VII, Issue 1)

Tracking and accountability of FOIA requests and expenses.

8. (OPR: SAF/CN) Direct OPRs and FOIA managers to use eFOIA across the DAF to track request statuses and foster a dialogue to continually monitor the success of resolving FOIA requests. (Reference Section VII, Issue 2)
9. (OPR: SAF/CN) Ensure SAF/CNZA maintains data and metrics on FOIA requests and the organizations processing them. (Reference Section VII, Issue 2)
10. (OPR: SAF/CN) Fund improvements to the eFOIA system or an alternative FOIA administration system, including large file transfer capability and better continuity of service. (Reference Section VII, Issue 3)
11. (OPR: AFIMSC) Work with SAF/CNZA to ensure eFOIA-derived statistics delineate between the MAJCOM HQ backlog for which AFIMSC is responsible and the base-level backlog for which the MAJCOMs are responsible. (Reference Section VII, Issue 1)
12. (OPR: SAF/CN) Add SAF/AAII litigation-related expenses and any other significant litigation-related expenses to the DAF/JACL total provided to OSD FOIA annually. (Reference Section VII, Issue 9)
13. (OPR: SAF/CN) Track the number of cases that require DoJ litigator involvement annually to maintain more robust statistics on costs to the USG associated with DAF FOIA. (Reference Section VII, Issue 9)

Leadership involvement and awareness.

14. (OPRs: SAF/AA and SAF/CN) Draft a SECAF memorandum emphasizing FOIA. Vocal support is required from DAF leadership. (Reference Section VII, Issue 4)
15. (OPR: SAF/CN) Direct commanders of wings/deltas with significant backlogs, as identified by SAF/CNZA, to assess their FOIA programs for sustainable improvements and provide regular updates to their MAJCOMs/FLDCOMs. (Reference Section VII, Issue 4)
16. (OPR: SAF/CN) Direct regular updates in some form, such as monthly reports or briefings to appropriate organizational commanders and directors, by FOIA managers on the status of FOIA requests. (Reference Section VII, Issue 4)
17. (OPR: SAF/IG) Make the FOIA program a SAF/IG Special Interest Item that is inspected and tracked. (Reference Section VII, Issue 4)

Training

18. (OPR: SAF/CN) Through policy updates to AFMAN 33-302, direct minimum training levels for FOIA managers, monitors, and OPRs and standardized mechanisms for such training. (Reference Section VII, Issue 5)
19. (OPR: SAF/CN) Standardize eFOIA training to ensure use of eFOIA, more accurate tracking of FOIA cases, and better understanding of how to use tools such as templates. (Reference Section VII, Issue 3)

Command, Control, and Communications

20. (OPR: SAF/CN) Conduct a policy review and communicate changes to the field. (Reference Section VII, Issue 6)
21. (OPR: SAF/CN) Through a policy update, direct supervisors to report changes in FOIA monitors, managers, and IDAs within a prescribed period to SAF/CNZA and/or AFIMSC. (Reference Section VII, Issue 7)
22. (OPR: SAF/CN) Through a policy update, direct out-processing checklists DAF-wide to have a block about FOIA, instructing personnel not to destroy or remove records. (Reference Section VII, Issue 7)

Career Field Management

23. (OPR: AFPC) Consider establishment of a functional career-field manager. (Reference Section VII, Issue 8)

If carried out, these actions are intended to bolster the program and reduce the backlog, with the greatest focus on an increase in qualified personnel and more leadership involvement. Without significant attention to the FOIA program, the backlog, which has quintupled from its 2012 low, will become more difficult to address over time.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Investigating Officer
Senior Official Inquiries

(b) (6), (b) (7)(C)

STEPHEN L. DAVIS
Lieutenant General, USAF
The Inspector General