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ADMINISTRATION AND MANAGEMENT

NOV 2 2006

MEMORANDUM FOR ATTORNEY GENERAL
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Modification #1 to Department of Defense (DoD) Freedom of Information Act (FOIA) Improvement Plan for Executive Order (EO) 13392, Improving Agency Disclosure of Information, June 14, 2006

On behalf of the Secretary of Defense and as DoD Chief FOIA Officer, I hereby submit Modification #1 to the DoD FOIA Improvement Plan dated June 14, 2006. This Modification adds Objective 3 to "Resources/Backlog" under Part E, Plans for Selected Improvement Areas.

Modification #1 further intensifies the DoD effort to measurably reduce FOIA backlog. The added Objective 3 under the Improvement Area of "Resources/Backlog" capitalizes on the successful achievement of Objectives 1 and 2. Objective 1 surveyed over 600 DoD FOIA Offices worldwide to identify those routinely managing a measurable backlog and the resources necessary to reduce it by at least 10% annually. Objective 2 centered on the analysis of this survey data to determine the required funding to support an essential increase in manpower and information technology (IT). Objective 3 capitalizes on the lessons learned accomplishing Objectives 1 and 2 and will concentrate on the:

- Further refinement of the target list of FOIA Offices that are cumulatively responsible for the DoD FOIA backlog
- Further refinement of the specific manpower and IT enhancements required to reduce backlogs in these targeted FOIA Offices
- Submission of specific manpower/IT funding requirements to the Secretary with the intent to reduce the DoD backlog by at least 10% a year beginning in fiscal year (FY) 2008 through 2013; increased funding is essential to this effort.
- Specific initiatives to reduce backlogs within the Office of Secretary of Defense (OSD) beginning in 2007 as a pilot program for expansion DoD wide.
- Other management initiatives cited in the DoD Plan that combined will also help reduce FOIA backlogs.

This Modification has been added as Part H of the Table of Contents to the DoD FOIA Improvement Plan. See attachment 2. Additional Modifications to the DoD Plan will be published as progress continues.

Michael B. Donley
Director

Attachments:
1. Modification # 1
2. Revised Table of Contents

Attachment 1

Part H – Modification # 1 to DoD FOIA Improvement Plan

E.4. Resources/Backlog

- **Objective 3: Capitalize on the successful achievement of Objectives 1 and 2; specifically concentrate on initiatives that will reduce DoD FOIA backlog by 10% annually beginning in fiscal year (FY) 2008** – Objective 1 surveyed over 600 DoD FOIA Offices worldwide to identify those routinely managing a measurable backlog and the resources necessary to reduce it by at least 10% annually. Objective 2 centered on the analysis of this survey data to determine the required funding to support an essential increase in manpower and information technology (IT). Objective 3 capitalizes on the lessons learned accomplishing Objectives 1 and 2 and will concentrate on additional manpower and IT support, sustained funding for both, and management practices that collectively will also help reduce FOIA backlog.

- **Steps to be taken:**

  - Validate/refine the initial target list of 31 FOIA Offices that are cumulatively responsible for the DoD FOIA backlog.
  - Validate/refine the specific manpower and IT requirements identified by DoD Components as essential to reduce backlogs in the targeted FOIA Offices.
  - Submit manpower/IT funding requirements to the Secretary with the intent to reduce the DoD backlog by at least 10% a year beginning in FY 2008. Specifically:
    - Submit a FY 2008 funding request for additional manpower for the OSD FOIA Office to specifically address the OSD backlog.
    - Submit a funding request in the Five Year Defense Plan for additional manpower and IT support for FY 2008 through 2013 to reinforce the 31 FOIA Offices cumulatively responsible for the DoD FOIA backlog.
  - Establish and maintain a structure and process within the OSD FOIA Office to continuously identify, address, and close the ten oldest FOIA requests in backlog.
  - Concentrate on the backlog in the OSD FOIA Office; coordinate priority of effort with major requesters having the predominant number of requests in backlog; intent is to reduce their overall backlog by at least 10 % within calendar year (CY) 2007.
  - Aggressively pursue other management initiatives cited in the DoD FOIA Improvement Plan that collectively will help reduce FOIA backlog:
    - Provide guidance to the DoD Components on the optimum organizational placement of FOIA Offices to maximize their visibility, senior leader oversight, and effectiveness.
    - Provide guidance on the employment of contractors in FOIA Offices.
    - Standardize the FOIA Officer job series to enhance the training, professional development and career development of the professional FOIA Officer workforce.

    - Establish a FOIA Training Program that includes both resident and online instruction in FOIA policies and procedures.
    - Establish standards for FOIA Websites to enhance their access and value to the public.

- **Milestones:**
    - Sep 18, 2006 – Agency Chief FOIA Officer submits request for FY 2008 funding to specifically address FOIA backlog within the OSD FOIA Office.
    - Sep 18, 2006 – Agency Chief FOIA Officer submits request for FY 2008-2013 funding to address backlogs within the 31 DoD FOIA Offices that routinely have backlogs of over 50 cases – those FOIA Offices that are cumulatively responsible for the DoD FOIA backlog.
    - Nov 17, 2006 – Conduct initial conference with the major requesters having the largest backlogs within the OSD FOIA Office; establish constructive working rapport focused on the near-term reduction of their case backlog.
    - Dec 18, 2006 – Document the process within the OSD FOIA Office that will reduce the backlog of major requesters by at least 10% by the end CY 2007.
    - Dec 29, 2006 – Document the process within the OSD FOIA Office to continuously identify, address and close within six months of identification the ten oldest FOIA requests within the Office.
    - Other milestones cited in the DoD FOIA Improvement Plan for management initiatives that collectively will help reduce FOIA backlog.

- **Means of measuring success/outcomes:**
    - Specific FOIA Offices that contribute to the DoD FOIA backlog are accurately identified and their shortages in manpower and IT resources accurately documented.
    - The OSD FOIA Office and all other DoD FOIA Offices managing measurable backlogs are adequately resourced in FY 2008.
    - The ten oldest FOIA cases within the OSD FOIA Office are continuously identified and subsequently closed within six months.
    - FOIA backlogs of the major requesters in the OSD FOIA Office are reduced by 10% in CY 2007.

- **Areas anticipated to be completed by Dec 31, 2006:**
    - Sep 18, 2006 – Agency Chief FOIA Officer submits request for FY 2008 funding to specifically address FOIA backlog within the OSD FOIA Office.
    - Sep 18, 2006 – Agency Chief FOIA Officer submits request for FY 2008-2013 funding to address backlogs within the 31 DoD FOIA Offices that routinely have backlogs of over 50 cases – those FOIA Offices that are cumulatively responsible for the DoD FOIA backlog.
    - Nov 17, 2006 – Conduct initial conference with the major requesters having the largest backlogs within the OSD FOIA Office; establish constructive working rapport focused on the near-term reduction of their case backlog.
    - Dec 18, 2006 – Document the process within the OSD FOIA Office that will reduce the backlog of major requesters by at least 10% by the end of CY 2007.

- Dec 29, 2006 – Document the process within the OSD FOIA Office to continuously identify, address, and close, within six months of identification, the ten oldest FOIA requests within the Office.
- Other milestones cited in the DoD FOIA Improvement Plan for management initiatives that collectively will help reduce FOIA backlog.

- **Areas anticipated to be completed by Dec 31, 2007:**
  - The ten oldest cases in the OSD FOIA Office have been identified and closed within six months of identification on a continuing basis.
  - 10% of the backlogged requests from the major requesters supported by the OSD FOIA Office have been closed in CY 2007.
  - Other milestones cited in the DoD FOIA Improvement Plan for management initiatives that collectively will help reduce FOIA backlog.
  - Additional initiatives to be developed to reduce FOIA backlog dependent on FY 2008 funding.

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C. Director of Administration and Management Memorandum, Executive Order 13392 on the Freedom of Information Act (FOIA) – DoD Implementation, February 1, 2006
D. Chief Defense Freedom of Information Policy Office Memorandum, DoD Implementation of Executive Order 13392 on the Freedom of Information Act (FOIA), February 10, 2006
E. Department of Defense Freedom of Information Act Program Survey
F. Chief Defense Freedom of Information Policy Office Memorandum, Executive Order 13392 – Review of DoD FOIA Program, March 24, 2006
G. Department of Defense Freedom of Information Act (FOIA) Program Study, May 19, 2006