



USAID
FROM THE AMERICAN PEOPLE

**Annual Report of the
Chief Freedom of Information Act (FOIA)
Officer**

**Colleen R. Allen
Chief FOIA Officer**

March 2023

I. FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

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

A. FOIA Leadership

1. **The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above this level?**

Yes.

2. **Please provide the name and title of your agency's Chief FOIA Officer.**

The Chief FOIA Officer of the U.S. Agency for International Development (USAID) is Colleen R. Allen, Assistant Administrator for Management.

3. **What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?**

USAID's core mission is to demonstrate democratic values abroad, and advance a free, peaceful, and prosperous world. These values include the tenets of democratic governance, such as building open, responsive, transparent, and accountable institutions and processes that serve the needs and preferences of the public. These values are emblematic of the FOIA, which encourages accountability through transparency. In Quarter 4 of Fiscal Year 2022, USAID engaged its workforce on FOIA through Agency Notices titled "Transparency to the Public." These notices underscored the workforce's commitment to transparency.

B. Presumption of Openness

4. **The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?**

Yes, particularly when inserting exemption (b)(5).

5. **In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a Glomar response. With respect to these responses, please answer the below questions:**

- a. **In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a Glomar response?**

Yes

- b. If yes, please provide:**
- i. the number of times your agency issued a full or partial Glomar response (separate full and partial if possible);**

USAID issued zero Glomar responses in Fiscal Year 2022.

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

N/A

- c. If your agency does not track the use of Glomar responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved.**

USAID will identify a way to track Glomar responses in its FOIA processing system. In the interim, Glomar responses are tracked on a spreadsheet.

II. ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The Attorney General’s FOIA Guidelines provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce long standing guidance to “work with FOIA requesters in a spirit of cooperation.” The Attorney General also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA Training

- 1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.**

See response 3 below.

- 2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?**

Yes.

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

Every member of the USAID workforce must complete one of the two online courses detailed below each year:

Records-Management for Senior Officials is a mandatory online course for individuals in *executive* positions at USAID who are responsible for oversight, management, and decision-making. The course describes the role and importance of senior officials in properly managing Federal Government records and complying with the FOIA.

Records-Management for Everyone is a mandatory-online course for non-senior officials *designed* to inform USAID's workforce of their records-management responsibilities and obligation to adhere to the requirements of the FOIA.

In addition to the above-mentioned mandatory courses, during Fiscal Year (FY) 2022 USAID's FOIA professionals also participated in the substantive training described below:

Best Practices Workshop: Administrative Appeals

Taught by the Office of Information Policy at the U.S. Department of Justice, this is a full-day program that provides lectures and discussions on the importance of establishing good relationships with Agency Operating Units to obtain records and information; communicating effectively with requesters; managing administrative appeals to provide timely responses; and collaborating with the Agency's FOIA attorney, Assistant U.S. Attorneys, and the courts regarding litigation.

Freedom of Information Act for Attorneys and Access Professionals

Taught by the Office of Information Policy at the U.S. Department of Justice, this is a two-day program that provides an overview of the FOIA's procedural requirements and each of the law's nine individual exemptions, basic principles for processing requests under the FOIA from start to finish, the FOIA's proactive disclosure requirements, and the interface between the FOIA and the Privacy Act.

14th Annual National Conference on FOIA and the Privacy Act of the American Society for Access Professionals (ASAP)

This three-day conference provides in-depth analysis on the administration of the FOIA, updates to case law, and direct dialogue with members of the requester community. This conference is mandatory for all USAID's professionals with primary FOIA responsibilities.

4. **Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.**

One hundred percent of USAID's FOIA Specialists (Government Information Specialists) attended substantive training on the FOIA.

5. **OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.**

N/A

6. **Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations and expectations during the FOIA process?**

USAID’s FOIA office issues detailed agency notices to all staff about processing expectations and requirements. These notices are published quarterly in email to all agency staff. In addition, USAID briefs its senior leaders on FOIA.

B. Outreach

7. **Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency’s FOIA administration.**

No.

8. **As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.**

Yes. USAID FOIA professionals arrange meetings with the requesters to discuss ways to narrow the scope of their requests when the material being requested is voluminous and may cause further processing delays. USAID also contacts requesters when requests are not reasonably described.

9. **The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency’s FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency’s FOIA Public Liaison during Fiscal Year 2022 (please provide a total number or an estimate of the number).**

During Fiscal Year 2022, requesters sought assistance from the USAID FOIA Public Liaison on two occasions.

C. Other Initiatives

10. **Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.**

Yes, USAID assessed its personnel resources and implemented limited term direct hire staffing and increased contracted staff to address backlog and current volume of new inquiries in 2022.

11. **How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.**

USAID continually assesses its overall FOIA program to identify and implement greater efficiencies. Each FOIA Specialist's caseload is assessed throughout the year to apply focused attention to backlogged and complex requests (e.g., requests for email; requests that require a search of multiple offices; pre-date USAID's existence in 1961; require language translation, etc.), while addressing incoming new requests. In addition, USAID has procured tools and continues to improve on its software to streamline electronic searches and processing. USAID has also secured contract staff to support both processing and e-discovery efforts, including deduplication of electronic records, and carrying-out 508 compliance for proactive disclosure.

III. Proactive Disclosures

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

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

USAID proactively discloses USAID-funded program and project-related results in reports, publications, and related data resources, including scientific and research data. These releases showcase the results of USAID activities and interventions, to help the public understand USAID's development and humanitarian assistance outcomes and impacts globally.

2. **Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.**

- USAID proactively publishes the results of Agency-funded projects, activities, and initiatives on the [Development Experience Clearinghouse \(DEC\)](#), the Agency’s repository for reports, evaluations, and other publications. In FY 2022, USAID published 12,780 new documents and digital artifacts to the DEC, and also uploaded metadata for 1,677 peer reviewed articles.
 - USAID proactively publishes project and activity-related data on the [Development Data Library \(DDL\)](#), the Agency’s official data repository. The Agency increased the total number of publicly available data assets (project and activity-related datasets) by 3 percent in FY 2022 compared to FY 2021.
 - USAID also publishes activity-level data in the [International Aid Transparency Initiative \(IATI\) standard](#), and continues to work to increase the quality and quantity of available information. USAID is taking steps to publish subnational geocoded data and activity results with appropriate safeguards to protect sensitive data. Detailed activity data enhance development coordination efforts and support more strategic host-country government development efforts.
 - USAID updates the [Dollars to Results \(D2R\)](#) public-facing website annually. The D2R website systematically and publicly reports USAID’s fiscal year aggregated disbursements and directly ties resources to illustrative results by country and sector, demonstrating the Agency’s stewardship of taxpayer dollars. The most recent data update to include FY 2021 reflects the impacts of the first full fiscal year of the COVID-19 pandemic and USAID’s associated maximized telework posture.
- 3. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency’s website?**

Yes.

- 4. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.**
- Dollars to Results (D2R) users can download data in machine readable format. This functionality enables users to review spending and results trends over several years, or otherwise organize the data for their needs. The website also features robust data notes, which users can view and download to better understand the data.
 - Through the Development Data Library (DDL), each dataset published at the public access level is accessible to members of the public through an application

programming interface (API). In addition, submissions to the DDL are required to be made in open data formats such as .csv.

- USAID launched the [Development Cooperation Landscape](#) tool in 2019 to improve access to development and humanitarian assistance data for the Agency's staff and partners. In 2021, USAID continued to iterate on the tool and added another query feature to make the information more user-friendly for stakeholders. In 2022, USAID expanded the types of donor organizations reported through the tool to include national and local NGOs.
- Aligned with its commitment to international aid transparency, USAID is working to ensure its internal portfolio management system, the Development Information Solution (DIS), <https://www.usaid.gov/work-usaid/resources-for-partners/development-information-solution>, will also serve as the source for information that is shared publicly on USAID's foreign assistance activities. This includes information such as activity titles, dates, descriptions, sub-national locations, and performance results with appropriate safeguards to protect sensitive data.
- IDEA (<https://idea.usaid.gov>) is USAID's public-facing repository of third-party country-level indicators. Users can view specialized visualizations and download associated data and metadata that support a variety of Agency initiatives. IDEA enables users to download the raw data used for USAID's Country Roadmaps, and it also features dashboards, country profiles, analytical pieces, and other data resources that support USAID's work across countries, regions, and sectors. In 2022, the IDEA website became the host of the [Learning, Evidence and Analysis Platform \(LEAP\) for the Center for Excellence](#), published [data portraits for each DRG sector](#) that USAID works in, and launched the [DRG Third Party Indicators](#) tool to help DRG officers and implementing partners identify context and outcome indicators by program element. IDEA added an interactive dashboard to the [Domestic Revenue Mobilization \(DRM\)](#) page to accompany the 2022 update of the Collecting Taxes Database.
- USAID publishes new editions of the USAID Country Roadmaps annually on <https://roadmaps.usaid.gov/>, including CSV versions of relevant data and metadata. In October 2022, USAID released the FY 2023 Country Roadmaps, which included two additional metrics (*Absence of Corruption* and *Fragility*) to better reflect USAID's current priority areas.
- In 2022, USAID began publishing data dashboards to its new, public-facing Tableau server. New dashboards added this year include the Executive Directives dashboard, capturing all Executive Orders; Presidential Memoranda and proclamations; OMB Bulletins, Circulars, and Memoranda; OPM Bulletins and Memoranda that apply to USAID; the Foreign Service Backstop dashboard showing flows of foreign service

personnel between backstops in and out of foreign service; the [Evaluation Registry dashboard](#); and the [Collecting Taxes Database visualization tool](#); and the [Digital Ecosystem Country Assessment \(DECA\) dashboard](#).

5. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

No.

IV. Steps Taken to Greater Utilize Technology

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

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

Yes.

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

N/A

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

No.

4. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes.

5. Did all four of your agency's quarterly reports for Fiscal Year 2022 appear on your agency's website and on FOIA.gov?

Yes.

6. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2023.

N/A.

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report.

The Fiscal Year 2022 Annual FOIA Report is located here:

<https://www.usaid.gov/sites/default/files/2023-01/USAIDFY22-AnnualFOIAReport.pdf>

8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Yes.

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

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

A. Remove Barriers to Access

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

No.

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

USAID is currently discussing these options with our vendor and web teams so this can be an option in the near future.

B. Timelines

- 3. For Fiscal Year 2022, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2022 Annual FOIA Report.**

The average number of days reported for adjudicating requests for expedited processing was 0.4 days.

- 4. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2022 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

N/A

- 5. Does your agency utilize a separate track for simple requests?**

Yes.

- 6. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2022?**

No, the average amount of days to process simple requests was 180.75 days.

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

Yes, it decreased from 245.77 average days in Fiscal Year 2021 to 180.75 average days in Fiscal Year 2022.

- 8. Please provide the percentage of requests processed by your agency in Fiscal Year 2022 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.**

The percentage of requests processed in Fiscal Year 2022 in the simple track was 1.2%.

9. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

N/A.

C. Backlogs

Backlogged Requests

10. If your agency had a backlog of requests at the close of Fiscal Year 2022, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021?

No, it increased from 396 backlogged requests in Fiscal Year 2021 to 408 backlogged requests in Fiscal Year 2022 for a total of 12 requests.

11. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?

Yes, 33 more requests were processed during Fiscal Year 2022. USAID processed 297 requests in Fiscal Year 2021 and 330 requests in Fiscal Year 2022.

12. If your agency's request backlog increased during Fiscal Year 2022, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests
- A loss of staff
- An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible

Five factors contributed to USAID's backlog in Fiscal Year 2022: loss of staff; an increase in the complexity of the requests received; Coronavirus Disease (COVID-19); litigation; and Congressional requests.

The first factor is loss of staff. During Fiscal Year 2022, USAID experienced staff turn-over due to employment growth and opportunities. The reduced staff decreased response times. In addition, it is taking more time to train new staff on the FOIA process at USAID and its organizational structure.

The second factor is the complexity of requests received. The preponderance of requests received are for email records and/or acquisition and assistance records. Email records are generally voluminous and require various levels of review and coordination both internally and externally. The

acquisition and assistance records require external coordination, pursuant to Executive Order 12600, to solicit review and disclosure comments on records that contain potentially confidential and commercial information.

The third factor is the influx of requests in response to COVID-19. These are impacting processing and significantly increased the backlog. Most of these requests were placed in the complex track because of the level of coordination to process each one, i.e. internal consultations and collaboration across the Agency in addition to the volume of responsive pages resulting from the email search. The average email page count has resulted in thousands of pages. This has necessitated additional scope negotiation discussions with the requesters, lengthened page-by-page relevancy reviews, and extensive virtual collaboration with the email custodians and subject matter experts for disclosure recommendations.

The fourth factor is litigation. USAID has six (6) active FOIA litigation cases. Each one has a court-ordered production schedule to review and/or release a minimum of 250 pages per month. Some of the cases have tens of thousands of pages. The cases require concerted attention and coordination across the intra- and inter-agency(ies) to timely release each production and respond to other litigation demands, such as declarations and joint status reports. More staff have been assigned to assist with litigation, and with the reduced workforce, this has impacted efforts towards reducing the backlog of FOIA requests.

The fifth factor is supporting record review, coordination and redactions to records in response to several Congressional requests, resulting in thousands of pages.

- 13. If you had a request backlog, please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."**

The percentage of requests that make up the backlog out of the total number of requests received in Fiscal Year 2022 is 125%.

Backlogged Appeals

- 14. If your agency had a backlog of appeals at the close of Fiscal Year 2022, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021?**

No, the backlog of appeals reported in Fiscal Year 2021 (5 appeals) increased by another five appeals to ten appeals in Fiscal Year 2022.

15. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021?

Yes, four additional appeals were processed in Fiscal Year 2022 (7 appeals) than in Fiscal Year 2021 (3 appeals).

16. If your agency's appeal backlog increased during Fiscal Year 2022, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- **An increase in the number of incoming requests**
- **A loss of staff**
- **An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)**
- **Impact of COVID-19 and workplace and safety precautions**
- **Any other reasons – please briefly describe or provide examples when possible**

Five factors contributed to USAID's backlog in Fiscal Year 2022: loss of staff; an increase in the complexity of the requests received; Coronavirus Disease (COVID-19); litigation; and Congressional requests.

The first factor is loss of staff. During Fiscal Year 2022, USAID experienced staff turn-over due to employment growth and opportunities. The reduced staff decreased response times. In addition, it is taking more time to train new staff on the FOIA process at USAID and its organizational structure.

The second factor is the complexity of requests received. The preponderance of requests received are for email records and/or acquisition and assistance records. Email records are generally voluminous and require various levels of review and coordination both internally and externally. The acquisition and assistance records require external coordination, pursuant to Executive Order 12600, to solicit review and disclosure comments on records that contain potentially confidential and commercial information.

The third factor is the influx of requests in response to COVID-19. These are impacting processing and significantly increased the backlog. Most of these requests were placed in the complex track because of the level of coordination to process each one, i.e. internal consultations and collaboration across the Agency in addition to the volume of responsive pages resulting from the email search. The average email page count has resulted in thousands of pages. This has necessitated additional scope negotiation discussions with the requesters, lengthened page-by-page relevancy reviews, and extensive virtual collaboration with the email custodians and subject matter experts for disclosure recommendations.

The fourth factor is litigation. USAID has six (6) active FOIA litigation cases. Each one has a court-ordered production schedule to review and/or release a minimum of 250 pages per month. Some of the cases have tens of thousands of pages. The cases require concerted attention and coordination across the intra- and inter-agency(ies) to timely release each production and respond to other litigation demands, such as declarations and joint status reports. More staff have been assigned to assist with litigation, and with the reduced workforce, this has impacted efforts towards reducing the backlog of FOIA requests.

The fifth factor is supporting record review, coordination and redactions to records in response to several Congressional requests, resulting in thousands of pages.

- 17. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2022 and/or has no appeal backlog, please answer with "N/A."**

The percentage of appeals that make up the backlog out of the total number of appeals received in Fiscal Year 2022 is 83%.

C. Backlog Reduction Plans

- 18. In the 2022 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2021 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2022?**

While this is not applicable to USAID—as its backlog is below 1,000 requests—USAID codified and implemented its FOIA-Backlog-Reduction Plan (“Plan”) in January 2020. The Plan institutionalized currently employed best practices and introduced other reforms that focus on key areas of success, such as obtaining leadership support; routinely reviewing processing metrics; using resources more effectively; increasing staff training and engagement; increasing proactive disclosure; and communicating effectively with internal and external stakeholders.

USAID is implementing this plan. Unfortunately, the number of incoming requests have increased in complexity, i.e., multi-faceted request descriptions, voluminous amounts of potentially responsive records for review, and the amount of inter- and intra-agency coordination.

- 19. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your agency's plan to reduce this backlog during Fiscal Year 2023.**

This is not applicable to USAID, as its backlog is below 1,000 requests.

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

Ten Oldest Requests

20. In Fiscal Year 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report?

No.

21. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Of the ten oldest requests, eight were closed by the end of Fiscal Year 2022.

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

In Fiscal Year 2022, USAID continued to place concentrated focus on its oldest requests. This approach included identifying unanswered search taskers, sending renewed search taskers, obtaining more comprehensive release recommendations with clearly articulated foreseeable harms in the release of information deemed sensitive.

Ten Oldest Appeals

23. In Fiscal Year 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2021 Annual FOIA Report?

Yes.

24. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Not applicable. USAID closed 5 of 5 of its oldest pending appeals from Fiscal Year 2021.

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

USAID remains committed to addressing its oldest appeals through the strategic assessment of concerns on appeal and prioritizing the levels of effort to adjudicate the appeals in a timely manner. This commitment over the years has resulted in the closure of nearly all the appeals received in a

fiscal year, and thus, USAID's appeal backlog routinely only includes appeals from the former fiscal year.

Ten Oldest Consultations

26. In Fiscal Year 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report?

Yes.

27. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Not applicable. USAID closed 10 of 10 of its oldest pending consultations from Fiscal Year 2021.

ADDITIONAL INFORMATION REGARDING TEN OLDEST

28. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2023.

USAID closed eight of its ten oldest pending requests for Fiscal Year 2022. The two remaining requests contain email records and are voluminous; one with an overall page count of nearly 6700 pages, and the other with an overall page count of nearly 3000 pages. Email records are more difficult to process due to volume, threaded messages, and numerous equities of different departments and agencies. At present, one of the two requests (the one with nearly 3000 pages) has been closed. The remaining request (the one with nearly 6700 pages) required consultations with several departments and agencies. It is estimated to be closed by March 1, 2023.

For Fiscal Year 2023, USAID is actively placing concerted efforts on assessing its current ten oldest FOIA requests, appeals, and consultations. It is doing so by determining the statuses of pending search efforts, ensuring all aspects of the request descriptions are addressed (and when they have not, timely coordinating with stakeholders for responses), initiating timely inter-agency consultations, while concurrently synthesizing intra-agency reviews and release recommendations. USAID's FOIA Team Lead and Supervisor, and its Senior FOIA Specialists, on USAID's FOIA Team are meeting biweekly to discuss request statuses, identifying next steps, and setting intentional benchmarks for various processing actions to ensure close of the its oldest 10 requests, appeals, and consultations by September 30, 2023.

F. Additional Information about FOIA Processing

29. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency's overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to

litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.

Yes, six requests were the subject of FOIA litigation during the reporting period. Each one has a court-ordered production schedule to review and/or release a minimum of 250 pages per month. Some of the cases have tens of thousands of pages. The cases require concerted attention and coordination across the intra- and inter-agency to timely release each production and respond to other litigation demands, such as declarations and joint status reports. More staff have been assigned to assist with litigation, and with the reduced workforce, this has impacted efforts towards reducing the backlog of FOIA requests.

30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your agency's FY22 raw data).

Nearly all of USAID's FY 2022 FOIA requests involved unusual circumstances. When a request is determined to have "unusual circumstances" agencies may extend their time limits if one or more the following will occur during the processing of a FOIA request: 1) the need to search for records from field facilities or other locations separate from the office processing the request; 2) the need to search, collect and examine voluminous records; and 3) the need for consultation with another agency. When USAID determined that one or more unusual circumstances would occur during the processing of a request, the response time-limit was extended beyond the 20 days required by statute; and, 10 additional processing days were added to a request.