



**Department of Energy**  
Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621



In reply refer to: FOIA #BPA-2025-03972-F

August 29, 2025

**SENT VIA EMAIL ONLY TO:** [REDACTED]

Michael Ravnitzky  
[REDACTED]

Dear Mr. Ravnitzky,

This communication concerns your request for Bonneville Power Administration (BPA) records submitted to the agency under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on August 18, 2025, and assigned tracking number BPA-2025-03972-F to your request; please use that tracking number in any communications with the agency regarding your FOIA request. This communication is the agency's formal acknowledgment of your FOIA request and a final response.

**Request**

You seek, "A copy of the 2024 FOIA Annual Report data from the BPA."

**Acknowledgement**

BPA reviewed your request and determined that it fulfills all criteria of a proper request under the FOIA and U.S. Department of Energy (DOE) FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

**Fees**

No fees are associated with processing your records request.

**Response**

The FOIA Office collected fourteen pages of responsive records which are being released in full.

**Additional Explanation**

Federal agencies are required to submit two reports to the Department of Justice (DOJ) annually.

The Annual FOIA Report contains detailed statistics on the number of requests received and processed by each agency, response time, and the outcome of each request, as well as many other vital statistics regarding the administration of the FOIA at federal departments and agencies. To

gather the information needed for the report, DOE extracts data from the software tool used to log and manage FOIA requests and solicits additional information from elements in the form of the “Annual FOIA Report for DOE Field Offices.” BPA is providing here its responses for the 2024 FOIA Annual Report.

The Annual Chief FOIA Office Report contains a description of the steps taken by the agency to improve FOIA compliance and transparency. BPA is providing here its responses for the 2024 Annual Chief FOIA Officer Report. The reporting period for the 2024 report is March 2023 through end of February 2024.

For both reports, the DOE Headquarters (HQ) FOIA Office compiles data from all DOE elements and submits to DOJ on behalf of all of DOE. Both reports are then posted to DOE’s website and are available via this link: <https://www.energy.gov/management/foia-annual-reports>

### **Certification**

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and response described above. Your records request is now closed with the agency’s responsive records provided.

### **Appeal**

The records release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final release, within 90 calendar days from the date of this communication. Appeals should be addressed to:

Director, Office of Hearings and Appeals  
HG-1, L’Enfant Plaza  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase “Freedom of Information Appeal” in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE’s records are situated, or (4) in the District of Columbia.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Phone: 202-741-5770  
Toll-free: 1-877-684-6448  
Fax: 202-741-5769

Questions about this communication may be directed to FOIA Program Lead Jason Taylor at [jetaylor@bpa.gov](mailto:jetaylor@bpa.gov) or at 503-230-3537.

Sincerely,

CANDICE PALEN  Digitally signed by CANDICE  
PALEN  
Date: 2025.08.29 09:29:56 -07'00'

Candice D. Palen  
Freedom of Information/Privacy Act Officer

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**memorandum**

**Date:** October 15, 2024

**Reply to:** Chris Morris, Freedom of Information Act Officer

**Subject:** Collection of Data for the 2024 Freedom of Information Act Annual Report

**To:** **All Field FOIA Officers**

In order to prepare the FY 2024 annual report on the operation of the Freedom of Information Act (FOIA) at the Department of Energy certain information is needed from your office. Please provide the following information to me by October 29, 2024.

**FOIA PERSONNEL and COST****A. Personnel**

1. Number of full time FOIA employees.	4
2. Number of equivalent full-time FOIA employees.	1.16
3. Total number of full time FOIA staff.	5.16

**B. Costs (including staff and all resources)**

1. Processing costs.	697,523.84
2. Litigation related costs.	4,463.74
3. Total costs.	701,987.58

**Fees Collected for Processing Requests**

A. Total amount of fees collected by agency for processing requests. 0

B. Percentage of total costs. 0

**New FOIA reporting requirements**

1. Number of times subsection (C) of 5 U.S.C. 552 used. 0

Each agency shall make available to the public information as follows:

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying--

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

2. Number of times, if any, the FOIA office or Field Office programs have posted any of these types of records in FY 2024.

Number posted by FOIA Office	Number posted Field Office programs
0	0

If you have any questions about the report, please contact Richard Hayes. You may return the information requested for the annual report to Richar at [Richard.Hayes@hq.doe.gov](mailto:Richard.Hayes@hq.doe.gov)

Thank you for your continued support. For your convenience, I have attached guidance from the Department of Justice on how to calculate personnel and costs.

# Field Site \_\_\_\_\_

## Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Attorney General's 2022 [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. Leadership Support for FOIA

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. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level?

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

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?

- In FY23, the agency's FOIA office began focused training for agency organizations that receive a high volume of record requests. The training explains both the statutory requirements of the FOIA and how the FOIA record custodians provide records to help the public better understand the agency's mission.
- In FY23, the agency added a link to BPA's public FOIA website to the footer of its public web page. This is a direct, purposeful effort to tie FOIA to the agency's mission.

### 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, this is included in all response letters where information is withheld under applicable exemptions. Response letters state:  
  
"Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record."

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 interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. If your agency tracks *Glomar* responses, please provide:

- the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible); **None**
- the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times). **None**

6. If your agency does not track the use of *Glomar* responses, are you planning to track this information in the future? **No**

7. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. **None planned.**

## Section II: Ensuring Fair and Effective FOIA Administration

The Attorney General’s 2022 [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 longstanding 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. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

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. **FOIA staff attended the following trainings:**

#### **American Society of Access Professionals**

- **FOIA-Privacy Act Training Workshop**
- **16<sup>th</sup> Annual National Training Conference**

## Department of Energy -- FOIA Training Exemptions 4 and 5

### Department of Justice

- Virtual Exemption 1 and Exemption 7 Training
- Virtual Exemption 4 and Exemption 5 Training
- Virtual Privacy Considerations Training
- Virtual Advanced FOIA Training
- Virtual Introduction to the Freedom of Information Act Training
- Virtual Processing a Request from Start to Finish Workshop
- Virtual Annual FOIA Report Refresher and Quarterly Report Training
- Virtual Best Practices Workshop

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. 88%

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?

FOIA staff work very closely with BPA’s non-FOIA staff during the collection and review process, and FOIA staff have trained non-FOIA staff how to use the FOIA office’s electronic record-processing software to help review records.

The Executive Vice President of Compliance, Audit, and Risk and the Chief Compliance Officer are regularly briefed on FOIA matters.

In May 2023, the FOIA office provided tailored training to the Human Resources office and the Contracts and Strategic Sourcing office. The purpose was to provide a statutory overview to those offices whose records were requested most often in FY22, to answer questions from record custodians to improve collections, and to identify areas for improving the FOIA record collection and review processes.

In April 2023, as part of the agency’s *Information Management Awareness Month*, the FOIA team provided information on the employee website to describe the FOIA statute, the agency’s obligations to comply with the FOIA, and employee responsibilities if identified as record custodians.



In November 2023, the FOIA Officer briefed the Information Governance and Oversight Team (a sub-committee of the executive-level Audit, Compliance, and Governance Committee, and comprised of managers) on FOIA obligations and the state of the agency's FOIA program, including FOIA processing metrics, trends in requests, appeals and litigation, and FOIA program improvements.

## B. Outreach

7. 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. BPA's FOIA Public Liaison proactively and routinely contacts requesters for a clarification or "re-scope" any time a FOIA request is not reasonably described, or if the scope of the request could credibly result in a voluminous number of records collected.

One specific example is FOIA request BPA-2023-00855-F. For this request, the initial size estimate of the record collection provided by the agency's Cyber Forensics team, who conducted an electronic search for responsive records, was 2.1 terabytes -- literally *millions of emails*! The Public Liaison provided this estimate to the requesters and suggested they collaborate to narrow the request to better find the true records of interest. Requester agreed and new searches are ongoing with a new, limited scope. The new search turned up a total of 943 individual records.

The FOIA Public Liaison's proactive and routine requester outreaches for clarification or "re-scope" is a formal part of the agency's FOIA response process which is detailed in the agency's FOIA program handbook.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? 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. BPA has a relatively small requester community (less than 100 requests per year) and any requester can speak with the FOIA Liaison as desired.

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 2023 (please provide a total number or an estimate of the number for the agency overall). In FY2023, nineteen citizens contacted the agency's FOIA Public Liaison seeking assistance toward either filing a formal FOIA requests or seeking other information.

## 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. The agency filled a new GS-13 FOIA Program Lead position in FY22 and filled a new GS-11 FOIA Case Coordinator position in FY23.

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.

The agency monitors processing data with a FOIA tracking log in SharePoint. The team meets weekly to review the processing data for every open request to identify processing time, processing roadblocks, and means to allocate additional resources to speed up processing times.

12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

As allowed by the FOIA, the agency uses a multi-track processing system to process requests. Requests were divided into expedited, simple, and complex-track queues. The agency recently implemented a fourth processing track for requests that share attributes of simple- and complex-track requests. This new track allows FOIA case coordinators to process more requests while waiting for third-party reviews for Exemption 4 and internal subject matter expert review for Exemption 5 to be completed.

## Section III: Proactive Disclosures

The Attorney General's 2022 [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.

- By policy, BPA ([Freedom Of Information \(FIOA\) \(bpa.gov\)](#)) posts records responsive to all third-party requests to the public FOIA Requests Library at: [FOIA Requests Library - Bonneville Power Administration \(bpa.gov\)](#).
- BPA maintains and updates a web page for frequently-requested information at: [Frequently Requested Information - Bonneville Power Administration \(bpa.gov\)](#)

2. How long after identifying a record for proactive disclosure does it take your agency to post it? As mentioned earlier, the agency posts all third-party requests to its FOIA Requests Library. Records are posted within 24 hours of final releases.

3. Does your agency post logs of its FOIA requests? All third-party requests are visible in the public FOIA library. This is functionally a FOIA log.

- If so, what information is contained in the logs? Requester name and any organizational affiliation, description of records requested, legal analysis and response letter, and the records themselves, with exempt material redacted.
- Are they posted in CSV format? If not, what format are they posted in? PDF.

4. 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.

Proactively disclosed records from calendar year 2023 are posted on the FOIA Requests Library at: [FOIA Requests Library - Bonneville Power Administration \(bpa.gov\)](https://bpa.gov/foia-requests-library)

5. 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?

The agency recently completed its Agency Enterprise Portal project. This includes a complete redesign of the agency's public website which includes the public FOIA page. The FOIA public library was redesigned to make it easier to browse and search for records. Additionally, a link to the FOIA web page was added to the footer of the agency's web site, which allows anyone browsing the agency's web site to access the FOIA web page with one click.

6. 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. The Agency Enterprise Portal project includes updated content organization and navigation, unified branding to support the One BPA delivery, and mobile access to information.

7. 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.

8. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area. As mentioned above, the agency goes above and beyond by posting all third party requests to its FOIA library.

## Section IV: Steps Take 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 2022 [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? **No**

2. Please briefly describe any new types of technology your agency uses to support your FOIA program. **The agency adopted no new types of technology during the reporting period.**

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, the FOIA Program Lead reviewed the FOIA web page and noted the "Clear Link to FOIA on the Agency Homepage" was missing. As a result of the review, this link was added.**

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2023 appear on FOIA.gov?

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2024.

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 2022 Annual FOIA Report and, if available, for your agency's Fiscal Year 2023 Annual FOIA Report.

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?

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

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

The Attorney General's 2022 [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 of the typical FOIA or Privacy Act process? **Yes**

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know. **Current agency employees can access many types of their own records in BPA's internal HR portal, HRMIS. Records available in HRMIS include time entries, pay stubs, tax forms, training records, available leave amounts, and other items of interest. BPA employees can access their own OPF through the OPF portal. Performance records are available to employees through the Department of Energy's ePerformance portal.**

3. Please describe any other steps your agency has taken to remove barriers to accessing government information. **None during the reporting period.**

## B. Timeliness

4. For Fiscal Year 2023, 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 2023 Annual FOIA Report.

5. 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 2023 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.

6. Does your agency utilize a separate track for simple requests?

7. 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 2023?

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

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2023 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.

10. 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?

## C. Backlogs

### Backlogged Requests

11. If your agency had a backlog of requests at the close of Fiscal Year 2023, 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 2022?

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2023 than it did during Fiscal Year 2022?

13. If your agency's request backlog increased during Fiscal Year 2023, 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: The agency's backlog did not increase.

- 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

14. 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 2023. 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."

### Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2023, 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 2022?

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2023 than it did during Fiscal Year 2022?

17. If your agency's appeal backlog increased during Fiscal Year 2023, 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 appeals
- 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

18. 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 2023. 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 2023 and/or has no appeal backlog, please answer with "N/A."

## **D. Backlog Reduction Plans**

19. In the 2023 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 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 2023?

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2023, please explain your agency's plan to reduce this backlog during Fiscal Year 2024.

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

### **Ten Oldest Requests**

21. In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?

22. 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 2022 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

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



## Ten Oldest Appeals

24. In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2022 Annual FOIA Report?

25. 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 2022 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

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

## Ten Oldest Consultations

27. In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report?

28. 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 2022 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

## Additional Information Regarding Ten Oldest

29. 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 2024.

## F. Additional Information about FOIA Processing

30. 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
- Any other information to illustrate the impact of litigation on your overall FOIA administration

The agency was subject to FOIA litigation once during the reporting period.

- [FOIA Request BPA-2022-00786-F](#)
- U.S. District Court District of Oregon, Case #: 3:23-cv-00898

The plaintiff litigated because the agency did not make a determination within twenty days. The agency could not make a determination within the statutory deadline because of the time needed



for record collection/record processing and required Exemption 4 reviews with third-party submitters. This litigation had no effect on the agency's overall FOIA administration.