Challenges and Solutions for Government Agencies' FOIA Request Processing

A study of the 5 federal government agencies with the largest number of FOIA requests, their challenges, and how Armedia and the ArkCase Case Management solution can help optimize the processing of FOIA transactions.

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Abstract

Comparing the FOIA Reports from the past several fiscal years, we made some interesting observations.

Year after year, most FOIA requests end up in the queue of 5 government agencies. Those 5 agencies are experiencing an unmanageable backlog of FOIA requests.

After analyzing these agencies in more detail, we found ten obstacles to expedited FOIA processing:

1. Staffing issues and shortages.
2. Budget constraints that limit adoption of new solutions.
3. Lack of search functionality for documents, metadata, emails, etc.
4. Little or no workflow automation.
5. Document management that is not secure or accessible online.
6. Poor communication between all parties involved, resulting in excess email.
7. Limited collaboration between staff and departments in the same or different locations.
8. Systems that do not comply with government regulations like FedRAMP and NARA.
9. Lack of document digitization and OCR systems.
10. Non-user-friendly FOIA management solutions and other accompanying software.

In this report, we will discuss each of the 5 major FOIA processing agencies, address their key identified reasons for the growing backlogs, and describe how those issues can easily be solved using the cost-effective, open-source ArkCase FOIA Software Solution.

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Introduction

In 2017, the Department of Justice reported that over 800,000 FOIA requests were submitted to various government agencies. This number is increasing every year. The growing demand for document releases under FOIA is straining agencies, which report that their FOIA backlog is one of their most critical issues.

Agencies Reviewed in this Report:

- The Department of Homeland Security (DHS)
- The Department of State (DOS)
- The Department of Health & Human Services (HHS)
- The Department of Justice (DOJ)
- The Department of Defense (DOD)

(DHS)
The Department Of Homeland Security

(DOS)
The Department of State

(HHS)
The Department of Health & Human Services

(DOJ)
The Department Of Justice

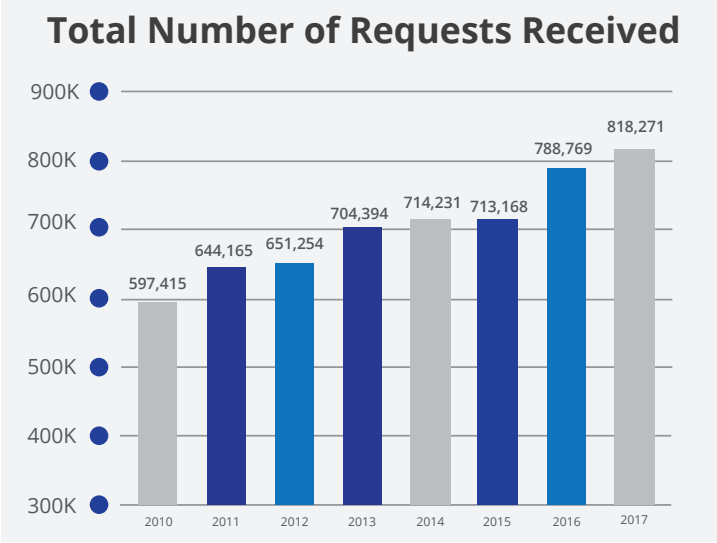
(DOD)
The Department of Defense

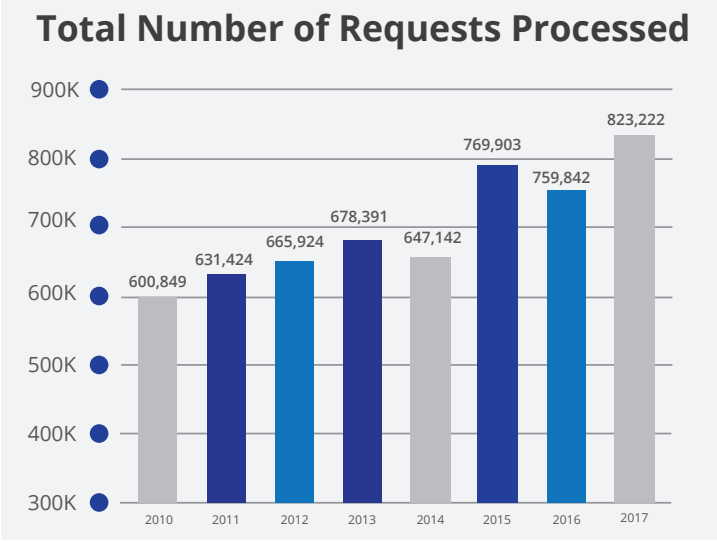
Select FOIA Statistics from the 2017 Annual FOIA Report

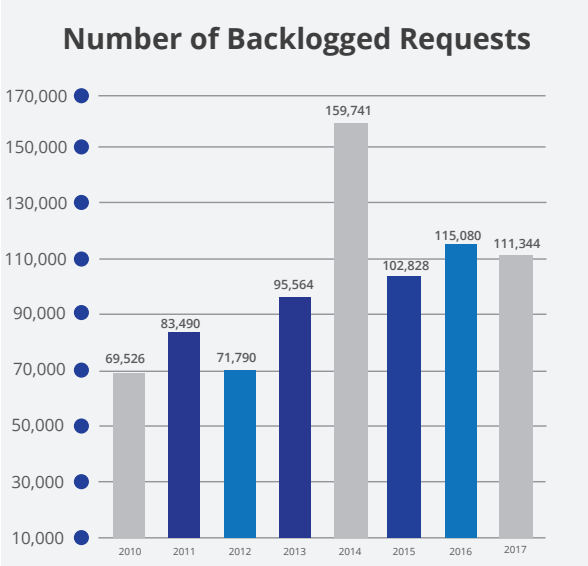
The number of FOIA requests submitted each year is growing, as is the number of requests processed, however, processing cannot keep up with the demand. FOIA agencies are moving toward a breaking point.
According to the Annual FOIA Report issued in February 2017 by the Department of Justice, the federal government **received 818,271 FOIA requests.** This is an increase of 3.7%, or 29,502 requests, compared to the previous year.

These growing numbers reflect US citizens' increased scrutiny of their government, demanding greater transparency.
The report also reveals that during the same period, government agencies processed 823,222 FOIA requests, an increase of 8.3% from FY 2016 and the most ever in a year.

The productivity of the government agencies handling FOIA requests is growing at a steady rate in the current decade, though they are still unable to keep up with the demand.







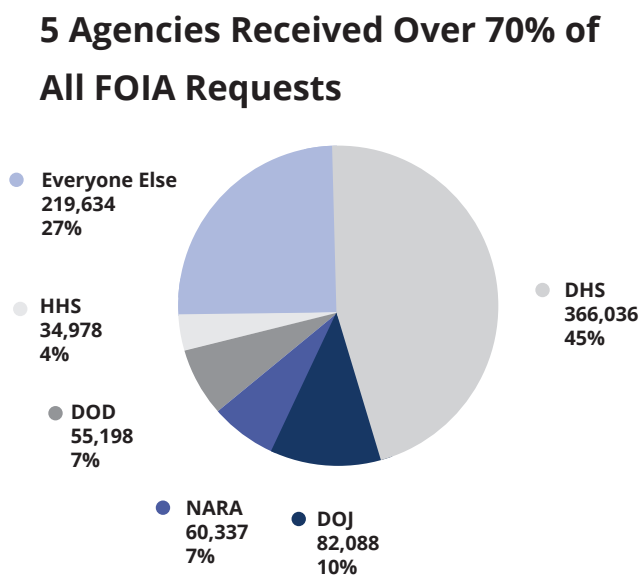
Backlogged Requests

While the number of submitted and processed FOIA requests is growing, so is the backlogged request.

The total number of backlogged FOIA requests at the end of FY 2017 was 111,344, roughly 12% of the total annual FOIA request processing capacity of all FOIA agencies.

The 5 Busiest FOIA Agencies

From over 100 government agencies, 73% of all FOIA requests are handled by 5 agencies: DHS, DOD, DOS, HHS, and DOJ, leaving the other 95+ government agencies to process only 27% of all requests.



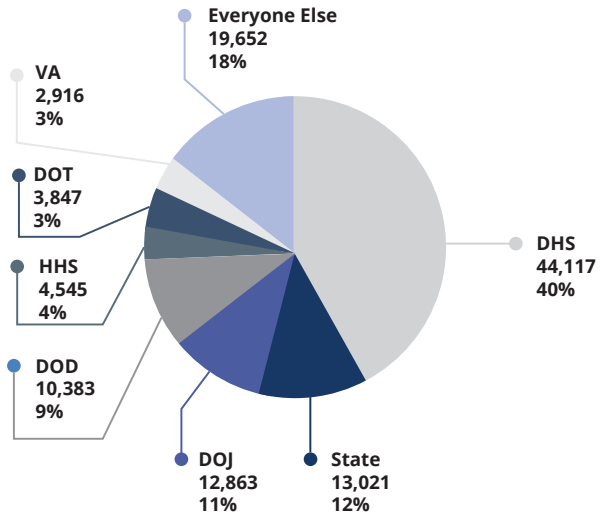
For FY 2017:

- The Department of Homeland Security (DHS) received the largest number of FOIA requests, 366,036 requests or 45% of all FOIA requests.
- The Department of Justice (DOJ) received 10%.
- NARA received 7%.
- The Department of Defense (DOD) received 7%.
- The Department of Health & Human Services (HHS) received 4%.

FOIA Backlogs

In general, the same agencies that received the largest number of FOIA requests struggle the most with FOIA backlogs.

7 Agencies Account For Over 82% of Backlogged Requests



- The Department of Homeland Security holds 40% of all the backlogs (44,117).
- The Department of State is in second place, with 12% of the backlog.
- DOJ has 11% of all backlogged requests.
- DOD has 9% backlogged requests.
- HHS has 4% of all backlogs.

What causes all these FOIA backlogs? And how can these issues be solved?

Top Challenges of the Top 5 Agencies and How to Solve the Problem

The Department of Homeland Security (DHS)

The Department of Homeland Security received the highest number of FOIA requests for FY 2017. DHS received 366,036 requests in FY 2017, a 12% increase over 2016. This is the largest number of requests ever received by any agency in one fiscal year.

DHS also has the largest FOIA backlog for FY 2017 - 40% of the overall backlog for the year. These numbers do reflect an improvement in backlog reduction as the department reported in their 2017 Freedom of Information Act Report; the 2017 backlog is a 6% decrease from 2016 backlogs despite the increased number of received FOIA requests.

Here's what Philip S. Kaplan, Chief Freedom of Information Act Officer U.S. Department of Homeland Security said about these numbers:

"Reducing the backlog remains a priority, and my office is currently working with DHS Component leadership to proactively address the Department's challenges. Strategically, we will look to address staffing challenges, deploying cross-component teams to assist with FOIA program management and processing, and continued emphasis on the use of FOIA technology to streamline processes and increase efficiencies."

In his report, Kaplan identifies the following as major challenges that affect the reduction of backlogs:

- Staffing and budget constraints.
- The spike in the number of litigation complaints and appeals, which contribute to higher program costs and other risks.
- Technological limitations like interoperability, search capability, unstructured data retention, etc.

The Chief FOIA Officer of DHS identified staffing challendges, a need to streamline processes and improve efficiency to reduce the FOIA request backlog and increase output.

With a cost-effective, modern FOIA software solution, DHS could effectively address these challenges. New FOIA software solutions can offer lower costs since they can leverage open-source technologies including Alfresco, Ephesoft, ArkCase, and other applications.

How the ArkCase FOIA Software Solution Can Help DHS

With a modern FOIA software solution like ArkCase, you can easily improve the effectiveness and increase the productivity of your staff. ArkCase offers:

- Multiple simultaneous workflows and automatic status updates of submitted requests,
- Customized workflows that are easy to revise without any coding,
- A centralized database of all case-related information,
- Full automation of workflows,
- One interface for communication between all parties involved.

The ArkCase FOIA solutions can increase staff productivity and effectiveness while controlling costs.

ArkCase can provide DHS improved searchability, accessibility, better-organized processes, status updates, task organization and much more.

The Department of State (DOS)

The Department of State has the second largest number of backlogged FOIA requests. It reported 13,021 requests in their backlog or 12% of the overall FOIA backlog for FY 2017.
FOIA requests addressed to the DOS often include complex subject matter concerning foreign government relations, diplomacy, terrorism, armed conflicts, and security, requiring the work of several of the nearly 270 department's domestic offices and overseas posts.

Many of the requests also require a search through large amounts of paper and electronic records that are highly classified or contain otherwise sensitive information. They must be reviewed by subject matter experts within the Department, as well as other U.S. Government agencies or foreign governments.

This complexity contributes to the department's large FOIA request backlog, although their FY 2017 has been reduced by 57% over 2016.

The State Department identifies the following major challenges to accomplish backlog reduction:

- The need for new technology and organizational structures committed to compliance with the law, and accessibility of released information to the public.
- The need to develop new, efficient processes for the FOIA program.
- Poor coordination among the offices working on FOIA cases.
- The increase in the complexity of the requests received.
- The increase in the number of incoming requests.
- Lack of staff.

How the ArkCase FOIA Software Solution Can Help the State Department

Complexity and the need for interdepartmental collaboration with many State Department offices around the world exacerbate the State Department FOIA request backlog.
A modern FOIA software solution can help overcome those challenges by providing improved communication, collaboration, and structure.

ArkCase has an **intuitive interface for communication** that can be used for correspondence among departments, agencies, and coworkers, as well as external requesters.

ArkCase

The ArkCase FOIA solutions is an intuitive, cost effective platform incorporating communication and collaboration functions to address the State Department's FOIA request challenges.

ArkCase supports **simultaneous workflows and automatic status updates**. FOIA participants can view the status of a request, work synchronously, and follow a defined workflow. The ArkCase FOIA software solution incorporates **customizable workflows** to organize and manage FOIA request processing.

The ArkCase FOIA software solution uses one **centralized database** in which all FOIA requests and all the correspondence and case-related data are safely stored. This feature allows **easy access** and **advanced searchability of information.**

Backlogs and Challenges in the Department of Justice (DOJ)

With 82,088 requests or 10% of all FOIA requests for FY 2017, the Department of Justice is the second government agency in terms of FOIA requests received.
And although the Department reported a 10% increase in processing compared to the previous fiscal year, the number of backlog requests is still daunting: 12,863, or 11% of all backlogged requests for FY 2017.
The Department of Justice actually reported an increase in the size of their FOIA request backlog.

In the FY 2017 Chief FOIA Officer Report, acting Associate Attorney General Jesse Panuccio says:

"Moving forward, the Department remains committed to backlog reduction and we continue to take affirmative steps to achieve that goal in FY 2018."

Furthermore, he explains that the biggest obstacles to backlog reduction are:

A need for digitization and new active managment of FOIA workflows have been identified as major DOJ challendges.

- A need for advanced technological solutions that assist with the core functions of document processing.
- The lack of new and active management of FOIA workflows.
- The need for digitizing the FOIA process.
- The lack of FOIA professionals.

Unlike the challenges that the DHS and the State Department report, the DOJ chief FOIA officer talks about digitizing the FOIA process and using advanced technological solutions.

How the ArkCase FOIA Software Solution Can Help the DOJ

ArkCase integrates with Ephesoft for fast, reliable and user-friendly document digitization and data extraction. Armedia's solutions using ArkCase, Ephesoft, and AWS have helped many organizations digitize and index large amounts of data.
Armedia, as a system integrator for ArkCase, can help agencies like DOJ with migrating all their paper-based documents into a secure database with indexing, tagging, and metadata extraction in a secure digitization facility.

The Department of Defense (DOD)

The Department of Defense received 55,198 or 7% of all FOIA requests in FY 2017. The DOD backlog of FOIA requests in FY 2017 was a 13.5% increase over the FY 2016 backlog.
To improve its FOIA request handling, the Department of Defense has already identified the best practices to improve efficiency and reduce backlogs:

- Case management systems to automate internal steps and processes, improve case visibility, and implement document release automation.
- Central repositories so that FOIA professionals can execute searches without awaiting subcomponent or SME search execution.
- Document sharing platforms for easier and faster exchange of consultations and referrals.
- Tools to search through case correspondence and emails.
- Close cooperation with records management officials.

The DOD has identified leveraging new technologies to help streamline FOIA processing.

The main focus of DOD is on leveraging technology.
The Chief Management Officer of the DOD, John H. Gibson, reports that many of the department components have researched and implemented most of the practices. However, there is the challenge of expanding the use of the practices across all of the DOD components.

How the ArkCase FOIA Software Solution Can Help the DOD

Agencies that receive FOIA requests can benefit from ArkCase case management system since it has collaboration, communication, data sharing, and search built-in. The DOD can use the low-code workflow configuration of ArkCase and automate all of its internal, repetitive steps.

Thanks to ArkCase's integration with Alfresco as a central data repository, staff can search through documents, metadata, or correspondence and quickly get to the needed information.

With centralized data management, sharing documents and collaboration on FOIA requests is expedited. Staff with the necessary permissions can access any document they need about any FOIA request. Everything is stored on the reliable and scalable Amazon Web Services cloud platform.

The Department of Health and Human Services (HHS)

For FY 2017, the Department of Health and Human Services reported receiving 34,978 FOIA requests, 4% of all requests submitted to government agencies that year. HHS is also among the agencies that reported the highest number of backlogged requests (4% of all backlog requests for FY 2017). With a 4% increase in submissions and a 4% increase in their backlog, HHS requires tools to increase the efficiency of FOIA processing.

Judy Stecker, the Assistant Secretary for Public Affairs (ASPA), offered her appraisal of the FOIA request processing status:

ArkCase integrated with Alfresco as its central data repository provides robust search capabilities of documents, metadata, and correspondence.

"FY 2017 was a year both of anticipated (transition) and unexpected (increase in the complexity of workload and loss of staff / government-wide hiring freeze) challenges. Despite the unexpected difficulties, HHS FOIA Officers exercised thoughtful creativity throughout the year in order to maintain momentum for the future progress of the HHS FOIA community."

Stecker explains that at the beginning of FY 2017, HHS shifted its operational execution strategy to address the backlog and found the following points to be critical issues:

- Implementing a new Case Management system, or improving the existing one.
- Evaluating individual steps in the work process for potential improvement and greater efficiency, such as identifying unclear or overly broad FOIA requests at the intake stage, allowing requests to be clarified prior to conducting records searches.
- Improving collaboration for complex cases by allowing FOIA offices to set up specific folders designated for records gathering and disclosure, analysis, and collaboration.

The Assistant Secretary for Public Affairs explains that the biggest hurdle is the limited budget.

How the ArkCase FOIA Software Solution Can Help HHS

The ArkCase FOIA Software Solution is a cost-effective option to help HHS centralize and automate their FOIA process, and reduce request backlogs. Because ArkCase at its core is open-source software utilizing Alfresco and AWS with Ephesoft for document scanning and OCR, it is both versatile and cost-effective. ArkCase encompasses Case Management, communication, collaboration, and Document Management.

Using New Technology to Reduce FOIA Backlogs

Agencies across the government must embrace the use of technology to assist the administration of the FOIA request processing. The Office of Information Policy (OIP) requires the government agencies processing FOIA requests to provide an annual Chief FOIA Officers Report to the DOJ. In these reports, the Chief FOIA Officers provide all aspects of their agencies' FOIA administration, including the use of technology and its contribution to the process.

According to the reports, the usage of these tools to automate many of the internal processes for handling FOIA requests has greatly improved efficiency. The reports show that federal agencies are aware of the importance of technology in FOIA operations.

> *"We are starting to rely on a digital approach and using tools that allow this processing to be automated. Hopefully, this will drastically reduce the time required on this necessary aspect of FOIA processing. It will help assure consistency across our vast department,"*
> - **Sam Kaplan, Chief FOIA Officer at the DHS.**

> *"NARA has recognized that advanced search capabilities are essential across the agency. NARA is in the process of updating its Electronic Records Archives, which is the platform that NARA uses for storing and processing archival records."*
> - **Gary M. Stern, General Counsel and Chief FOIA Officer at NARA.**

> *"Over 65% of DOD Components reported that they have identified best practices to leverage technology facilitating overall FOIA efficiencies. Several components reported working with their Case Management systems to automate internal steps and processes, improve case visibility and implement document release automation."*
> - **John H. Gibson, Chief Management Officer at The DOD.**

The NASPO ValuePoint Initiative

National Association of State Procurement Officials (NASPO)

Another good example of our Government's proactive steps for improving FOIA Management is the NASPO ValuePoint Initiative. Armedia is a proud member of NASPO. Government agencies don't have to spend any energy in figuring out which technology vendors to work with.

NASPO is doing this for them by creating a list of trusted, reliable and proven technology providers for the needs of government agencies such as these top 5 FOIA agencies we're discussing in this report.

Using the Right Integration Partner to Solve FOIA Processing Problems

Armedia is an industry leader that helps organizations improve their operations and deliver IT as a service. We have been in the market for almost 20 years and during this time we have established strong partner relationships with leading technology providers like ArkCase, Alfresco, AWS, Ephesoft, and Snowbound. Armedia as an integration partner of ArkCase can help your organization.

Reliable, Secure, Fast Migration Services

The major challenge of large organizations is the implementation of new technologies. When implementing a new technological solution, especially a Case Management tool like the ArkCase FOIA software solution, data migration can be the most complex part. Organizations worry how their data will be migrated and further managed, and whether the new technological solution will be easy to use for the entire organization. For established vendors like Armedia, data migration is just a part of the routine. With the right migration tool like Caliente, the right solution like the ArkCase FOIA Software Solution, and a dedicated team of professionals, the process of migration is quite simple:

- All of the organizations' paper documents are scanned and OCR'd in batches by professionals, in a facility that meets the security requirements for handling sensitive data.
- Document metadata is formatted according to the target ECM system needs.
- The digital files are automatically identified, categorized, located, and named according to the organization's rules.
- The files are automatically stored in workflows.
- New files are noted in the master directory.
- Workflow automation is configured by our staff.
- The Armedia team offers in-house training of your staff for optimal usage of all the benefits that ArkCase provides FOIA managers.

Thanks to Caliente, large-scale data migration to and from various Enterprise Content Management platforms and electronic formats is made simpler than ever.
With the ArkCase FOIA Software Solution and Caliente, FOIA staff in government agencies can work as one cohesive team, and leverage technology across the entire department. Data migration and management will not be an obstacle to transforming their technology.
If you want to see how we can help your organization with FOIA challenges, feel free to contact us.

James Bailey
President & CEO

Next Steps to Benefit from ArkCase and Armedia's Integration Services

Armedia is an industry leader that helps organizations improve their operations and deliver IT as a service. We have been in the market for almost 20 years and during this time we have established strong partner relationships with leading technology providers like ArkCase, Alfresco, AWS, Ephesoft, Snowbound, OpenText and others.

In this free report, we've covered how the ArkCase FOIA Software solution can help specific agencies overcome their FOIA challenges.

We hope that this report is helpful for you as a FOIA department manager or staff member, to see how large government agencies struggle with the same issues: collaboration, data access, automation, document management, and of course, budget restrictions.

Armedia has helped large organizations migrate to the ArkCase platform from other, outdated solutions. We have a track record of getting the job done on time, on a budget, without any lost data.
Armedia is a FedRAMP Certified SaaS supplier and a NASPO Recommended IT Provider for government agencies.
If you're interested to find out more about our services and experience, please use the two links below:

- To watch a pre-recorded webinar demonstrating features and capabilities of the ArkCase FOIA Case Management system, click here.

- To get in touch with Armedia to discuss your specific FOIA needs, click here.