

Commodity Futures Trading Commission

2023 Chief FOIA Officer Report

SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

The guiding principle underlying the Attorney General'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. 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?

Yes.

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

John Einstman, Deputy General Counsel (General Law).

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?

This year, our agency evaluated the onboarding program for new employees and will now require FOIA training for all new employees and contractors, regardless of their division, office, or level. Previously, only CFTC senior executive leadership – i.e., the Chair, Commissioners, and heads of divisions and offices – received FOIA onboarding training. It is our core mission for all CFTC staff – the Commission, employees, and contractors alike – to understand that FOIA is everyone's responsibility, and we all play a role in ensuring that we respond to FOIA requests fully and efficiently. Through FOIA onboarding training, it is our hope that all CFTC staff will connect with the FOIA Program from their very first week.

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.

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. 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);

One full *Glomar* response. No partial *Glomar* responses.

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

Exemptions 6 and 7(C) – One.

- 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.

N/A.

6. 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.

We ensured that more records were posted in our FOIA Library this year than last year. We hope to continue to increase the amount each year. In addition, we are also working on a new CFTC “Knowledge Hub” webpage for consumers to connect them with additional agency information and resources about the CFTC’s work, without the need to file a FOIA request.

SECTION 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 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.

For years, we have provided FOIA training to CFTC senior executive leadership as set forth in response to Section I, question A.3. above. This is to ensure that senior executive leadership throughout the Commission understands the FOIA process and the associated obligations. However, after evaluating over this past year, we determined that all CFTC staff should receive FOIA training. As mentioned, we are currently updating our onboarding process to include FOIA training for everyone, no matter what their job title or level. Once this is implemented, we will also be organizing what we hope to be mandatory annual FOIA training for all CFTC staff so that everyone will receive a FOIA “refresher” each year.

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.

So far during this reporting period, CFTC FOIA professionals attended the Virtual FOIA Summit for Agency FOIA Professionals, Annual Report Refresher, Chief FOIA Officer Report Refresher, and the Litigation Seminar. Before the end of this reporting period, CFTC FOIA professionals will also attend the Virtual Privacy Considerations Training, Procedural Requirements and Fees Training, and the Advanced FOIA Training.

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.

100%

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?

CFTC senior executive leadership receive one-on-one, live FOIA training. As mentioned, new staff of all levels will soon begin to receive FOIA training as part of their onboarding process, regardless of their position or division. This training will be an online module. Further, we are planning for all staff to receive annual FOIA training each year, regardless of how long they have been with the agency. This training will also consist of the online module.

B. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, 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.

Yes – we engaged with a requester regarding the interplay between FOIA.gov and our agency’s FOIA tracking system so that they could better understand the relationship between the two and how we receive FOIA requests. This was helpful to our FOIA program because it has led to closer communication between the FOIA Office and our eLaw information technology (IT) team, which is a vital relationship for fulfilling FOIA requests in general. In addition, one requester with an extremely broad request was having trouble clarifying the request, and we located a similar request and provided the requester with a copy of that FOIA request as a model example. We were then able to move forward with the request, and this is now a strategy we will keep in mind to assist future requesters who are struggling to restructure a request.

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 – we regularly let requesters know at the outset whether the wording or scope of their request will make it difficult to search. We regularly send requesters a letter asking them to please provide further details and clarify what they seek to enable the FOIA Office to conduct a search with reasonable effort. This avoids wasting time on searches that would be tantamount to a “fishing expedition.” We always provide requesters with examples of what type of details would be helpful, such as a time frame, specific individuals or offices involved, or a subject matter. We have found that asking for this information up front results in much more efficient processing of requests.

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).

Although we do notify requesters about the availability of our FOIA Public Liaison, we estimate that this official was contacted for assistance fewer than five times during Fiscal Year 2022.

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 – we have evaluated our resource needs and determined that the FOIA Office requires an additional staff member to assist with administrative tasks. We hope to receive such hiring authority and are exploring temporary solutions in the meantime.

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.

We analyze our Annual Report data to identify areas for improvement and areas where standard written guidance is likely to resolve inconsistencies. Our case management data also keeps us on track to meet deadlines and follow up with record custodians often to avoid overdue requests. In addition, OIP’s CFO Report Assessment and Summary of Annual FOIA Reports provide helpful data for our FOIA Office to benchmark our progress against other agencies and determine areas to focus on for improvement.

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

As discussed above, we are currently working on implementing FOIA training for all new staff, not just those in senior executive leadership positions, so that everyone at the agency will have an understanding of FOIA. In addition, we are currently revising our FOIA Policy, Standard Operating Procedures, and FOIA guidance documents so that everyone at the agency will have access to comprehensive and up-to-date FOIA reference materials.

SECTION 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.

Our Office of Public Affairs has a Content Managers team dedicated to updating and posting records for public access. Regarding (a)(2)(D), every time we receive a new FOIA request, we first perform a search to determine whether we have had any past requests on the same topic to track recurring requests for records. Although we receive requests on a large variety of topics and do not often receive recurring requests, our tracking process of searching past requests as a first step ensures that we efficiently identify records to post and proactively disclose.

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.

We have made a greater effort this year to proactively disclose more records on our FOIA website, and we plan to continue to increase the number of postings going forward. The FOIA Office proactively discloses information that we anticipate FOIA requesters will be interested in, as well as information that has been requested three or more times:

https://www.cftc.gov/FOI/foia_freqrequestinfo.html

Other program offices throughout the agency also proactively disclose records. We proactively disclose information in connection with our numerous Dodd-Frank Act rulemakings:

<https://www.cftc.gov/LawRegulation/DoddFrankAct/Rulemakings/index.htm>

Pursuant to its transparency policy, the agency continues to list all rulemaking meetings with outside stakeholders: <https://www.cftc.gov/LawRegulation/DoddFrankAct/ExternalMeetings>

The agency regularly posts No-Action Letters, Interpretative Letters and Exemptive Letters on the agency website to inform the public on various agency matters:

<https://www.cftc.gov/LawRegulation/CFTCStaffLetters/index.htm>

The agency's press office routinely posts advisory notices, speeches, testimony, notices of enforcement actions, and other materials of interest on the agency website:

<https://www.cftc.gov/PressRoom/PressReleases>

The agency also routinely proactively discloses many market-related materials to assist the public, including:

Commitments of Traders Reports:

<https://www.cftc.gov/MarketReports/CommitmentsofTraders/index.htm>

Weekly Swaps Reports: <https://www.cftc.gov/MarketReports/SwapsReports/index.htm>

Bank Participation Reports:

<https://www.cftc.gov/MarketReports/BankParticipationReports/index.htm>

Cotton-On-Call Reports: <https://www.cftc.gov/MarketReports/CottonOnCall/index.htm>

Financial Data for FCMS: <https://www.cftc.gov/MarketReports/financialfcdata/index.htm>

Net Position Changes Data:

<https://www.cftc.gov/MarketReports/NetPositionChangesData/index.htm>

Cleared Margin Reports: <https://www.cftc.gov/MarketReports/ClearedMarginReports/index.htm>

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.

We are currently collaborating with the Office of Public Affairs on a new initiative called the "Knowledge Hub." This effort is in the beginning stages, but it is a project designed to facilitate more interaction and engagement with the public regarding information we post on our website. We hope that the feedback we receive from the public will allow us to better anticipate what type of proactively-disclosed information from which the public would benefit and what formats would be most useful.

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.

Yes – we collaborate with the Office of Public Affairs to proactively disclose records on our website and to ensure that materials are posted in the correct format. We have also collaborated to post information in a way that is user-friendly, and we are both always open to changes and improvements. We sometimes also collaborate with the appropriate divisions and offices – which generally are the subject-matter experts – on any questions that arise about the posting of substantive information.

6. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

Regarding best practices, the agency is creating its "Knowledge Hub," as described above, to increase the flow of information between our agency and the general public. In doing so, we will be more mindful of events that we anticipate will be of great interest to the public, such as significant market data events and "hot topics" in the news.

Regarding challenges, we must always balance the goal of making proactive disclosures with the often sensitive and proprietary nature of our data, some of which is prohibited from disclosure by the Commodity Exchange Act and Commission regulations. Much of our data comes from third parties who have submitted Requests for Confidential Treatment.

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 [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](https://www.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.

We worked with our eLaw (IT) team to figure out a new format to collect calendar records in. The new format is much more efficient for review because we are able to exclude lengthy dial-in links that are non-substantive but cumbersome to review.

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.

Yes – we use Relativity to remove or reduce duplicate records and to identify the longest email chain in a series.

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 FOIA.gov?

Yes.

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 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 2021 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report.

<https://www.cftc.gov/FOI/foiareadingrooms.html>

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.

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

Regarding best practices, we have regularly-scheduled meetings with our eLaw (IT) team to ensure that, based on our available technological capabilities, we are searching for and collecting records in the most thorough yet efficient way possible.

Regarding challenges, our greatest challenge is a lack of staff.

SECTION 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 of the FOIA process?

Yes.

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

Our Whistleblower Office works directly with individuals who have submitted a Tip, Complaint, or Referral to access copies of information they have submitted. In addition, our Reparations Program works directly with individuals to provide status updates and information about individuals' cases.

B. Timeliness

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.

5.43 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, it was 23.59 days.

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

Yes.

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.

31.68%

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?

Yes, the backlog decreased.

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?

N/A.

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

N/A.

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."

1.62%

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?

N/A – we did not have a backlog of appeals at the end of Fiscal Year 2022 or Fiscal Year 2021.

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?

N/A.

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 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)
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible

N/A.

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."

N/A.

D. 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?

N/A – we did not have a backlog of over 1000 requests.

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.

N/A.

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?

Yes.

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.

N/A.

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

We reached out to requesters to try and narrow the scope of large requests. Also, when appropriate, we connected division or office staff with requesters to speak directly because such staff have first-hand knowledge of the scope of the responsive records.

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.

N/A.

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

We devoted additional staff to work on FOIA appeals. Please note that the additional staff assisted with FOIA appeals only, not with processing initial FOIA requests.

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 (we did not have any consultations pending at the end of Fiscal Year 2021).

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.

N/A.

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.

N/A.

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 – we had one request from 2019 for which litigation was still pending during the reporting period. That litigation has now concluded. We have a very small FOIA team (only two people), so assisting with any FOIA litigation has a relatively significant impact on our FOIA program – the lack of staff resources leads to increased processing time for all other 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).

95 requests.