

2025 Chief FOIA Officer Report
Commodity Futures Trading Commission

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?

Yes.

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

John Einstman, Deputy General Counsel for 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?

Our agency requires FOIA training for all new employees, appointees, contractors, and interns, regardless of their division, office, or level, regardless of their division or level. It is our core mission for everyone at the CFTC 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 first week with the agency.

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. If your agency tracks Glomar responses, please provide:

- the number of times your agency issued a full or partial *Glomar* response during Fiscal Year (FY) 2024 (separate full and partial if possible);

Three full Glomar responses. No partial Glomar responses.

- the number of times a *Glomar* response was issued by exemption during FY 2024 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

Exemption 6 – Three times. Exemption 7(C) – Three times.

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 require agency custodians of responsive records to determine whether there is any redacted information that could be released without harm, versus simply asking whether there is any unredacted information of concern. The structure of this requirement helps to ensure that the agency does not over-redact responsive records.

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.

The CFTC provides annual FOIA training to all executive level staff (i.e., directors of offices and divisions, Commissioners, the Chairman). The training ensures that agency leadership in all offices and divisions understands the obligations and processes under the FOIA. Beginning in FY 2023, the agency began requiring FOIA training for all CFTC staff, as part of agency onboarding, regardless of position description or title, to be completed within the first week of hire. This training is now being provided annually to all employees as a mandatory “refresher” training.

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.

During FY 2024 the agency’s FOIA professionals attended the NexGen FOIA Tech Showcase 2.0, Chief FOIA Officers Council Meeting, Annual Report Refresher, and Chief FOIA Officer Report Refresher. Other anticipated trainings for the FOIA staff include the Administrative Appeals, FOIA Compliance, and Customer Service Training, and the Advanced FOIA Training.

CFTC FOIA staff attended or will attend the following trainings provided by the Department of Justice:

- *Processing a Request from Start to Finish Workshop;*
- *Administrative Appeals, FOIA Compliance, and Customer Service;*
- *Advanced Freedom of Information Act Training;*
- *Annual/Quarterly FOIA Report Training;*
- *Chief FOIA Officer Report Training;*
- *Introduction to Freedom of Information Act Training;*
- *FOIA Best Practices Workshop on Backlog Reduction Plans.*

Additionally, CFTC FOIA staff provided ad-hoc additional FOIA training upon request to particular divisions or groups within the agency, including entire Commissioner staffs. Such ad-hoc trainings help ensure agency compliance regarding FOIA obligations, and in some cases can be particularized to a current request.

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 leadership receives one-on-one, live FOIA training. All new staff, regardless of position or level receive FOIA training as a matter of course during the onboarding process. The FOIA training is an online module. Staff receives a refresher course each year, also in an online module.

The onboarding FOIA training teaches agency non-FOIA professionals about their roll in the FOIA process and their obligations under the FOIA. CFTC Senior Leaders (Commissioners, Chiefs of Staff, Office/Division Directors) receive one-on-one, in-person, FOIA training. CFTC FOIA Professionals also maintain an internal FOIA Recourse Page on the agency’s SharePoint intranet. The FOIA Resource Page contains guidance for any employee to access at any time.

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, CFTC FOIA Professionals regularly contact requesters regarding complex or voluminous requests. For example, CFTC FOIA staff contacted a requester to explain how the agency receives requests, and

how the CFTC's FOIA tracking system coincides with FOIA.gov. Discussions with requesters may involve ideas for how best to narrow their request, provide clarification, or even share examples of similar requests that were both clear and reasonably tailored, allowing the agency to process the request and provide the records more efficiently. This and other contacts with requesters has led to more effective communication between the CFTC FOIA Office and our eLaw technology team, allowing us to gather the records more efficiently, and provide responses more quickly.

In engaging with requesters of particularly broad requests, CFTC FOIA Professionals found it effective to provide those requesters with similar requests, as a model for how to clarify the scope and volume. It has become the CFTC FOIA Office's standard practice to proactively contact requesters immediately concerning complex or voluminous requests, so that the requester can clarify with particularity the records he or she is seeking and attempt to limit the request's scope. This process allows the CFTC FOIA staff to review records more efficiently and expeditiously, a benefit to both the Agency and the requester.

For example, many requests seek "any and all" records. CFTC FOIA staff contacts requesters in these instances to explain that such language unnecessarily broadens the scope of the request, and to suggest ways to narrow the scope. CFTC FOIA staff often suggests limiting the timeframe of the request, providing specific individuals or offices within the CFTC, or describing details of a specific subject matter for the request. These contacts with requesters have been effective in allowing us to more efficiently provide requesters with the actual records being sought.

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.

Yes. CFTC FOIA Professionals contact requesters promptly if the language or scope of the request will be particularly difficult to search for or be unlikely to locate the responsive records. We send requesters letters asking them to provide details and clarify what is being sought in the request. These contacts avoid spending time on searches that would amount to a "fishing expedition" that don't ultimately include what the requester is actually seeking. It is our regular practice to provide requesters with model requests to show what types of details – e.g., timeframe, specific individuals or offices involved, subject matter – would be helpful in limiting the scope of the request and volume of responsive records. Asking for this information immediately has been successful in reducing time lost to inefficient searches and productions.

CFTC FOIA Professionals are often in contact with news media requesters to answer questions about their requests. It is common for the agency to issue partial responses to news media requesters while continuing to process the request. In order to provide transparency and most efficiently process such requests, we engage in many conference calls with such requesters. The conference calls provide a good opportunity for the requester to clarify which records they seek. It has been helpful to speak directly to ensure that the requesters are receiving in the partial responses, the records they actually seek, so that agency FOIA staff can make any necessary adjustments to the remaining responses.

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 2024 (please provide a total number or an estimate of the number for the agency overall).

We notify requesters about the availability of our FOIA Public Liaison, and we estimate that our Liaison was contacted 20 times for assistance this past year.

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 CFTC has evaluated its resource needs and determined that the FOIA Program requires an additional staff member to assist with processing requests and administrative tasks. The additional staff member is required based on the continual year-over-year increase in FOIA requests received.

In an effort to most effectively deploy the three-person CFTC FOIA Office staff, the agency rolled out an online portal dedicated specifically to Requests for Confidential Treatment. This has allowed staff to more effectively prioritize responding to FOIA requests, while organizing Requests for Confidential Treatment in a central location. This has enhanced the process from being manual and time-consuming, to being automated, saving the FOIA office valuable time to devote to processing FOIA requests.

Also, this fiscal year, the FOIA team was provided a detailee from the Litigation team. The Litigation attorney provided different expertise, as well as institutional knowledge, not necessarily involving FOIA, which was helpful in processing requests and gathering responsive records more efficiently.

The CFTC FOIA Office continues to evaluate its staffing and resource needs. Some potential areas of need include improved software program options for more effective text searching.

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 CFTC FOIA Office analyzes its Annual Report to identify areas where workload management can be improved. In particular, FOIA staff identify where written guidance would be most likely to resolve inefficiencies. Regular monitoring of our case management data keeps deadlines visible and attainable, and allows the FOIA Office to follow-up with custodians to avoid undue delay. The FOIA Office also utilizes the Office of Information and Privacy's CFO Report Assessment and Summary of Annual FOIA Reports to compare the CFTC FOIA Office's performance relative to other federal agencies.

The CFTC FOIA Office runs weekly case management reports, to produce a Weekly FOIA Report. The report summarizes data from the prior week, helping to keep all team members aware of the status of each request, allowing the team to prioritize processing tasks with maximum efficiency. The FOIA team has also implemented the practice of including processing notes with each request to explain how the request was processed, how the search was conducted, and how the redactions were applied.

12. The federal [FOIA Advisory Committee](#), comprised of agency representatives and members of the public, was created to foster dialogue between agencies and the requester community, solicit public comments, and develop recommendations for improving FOIA administration. Since 2020, the FOIA Advisory Committee has issued a number of [recommendations](#). Please answer the below questions:

The CFTC FOIA Office implemented mandatory training for all new employees during onboarding, as well as an annual refresher training.

- Is your agency familiar with the FOIA Advisory Committee and its recommendations?

Yes.

- Has your agency implemented any of its recommendations or found them to be helpful? If so, which ones?

Yes. The CFTC FOIA Office implemented mandatory training for all new employees during onboarding, as well as an annual refresher training. The FOIA Office is currently revising 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, which are all reflective of the Advisory Committee's recommendations.

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

The CFTC FOIA Office leader attends weekly meetings with the CFTC Privacy and CFTC Records teams. As part of these meetings the FOIA Office advises on any FOIA issues and keeps all requests on track to meet deadlines.

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.

The CFTC Office of Public Affairs Content Managers team updates and posts records for public access. For each FOIA request the FOIA Office receives, a search is conducted to determine whether any past requests covered the same topic. In other words, the FOIA Office tracks "repeat requests" for records. While many of our requests are highly particularized, there are relatively few repeat requests. Nevertheless, these repeat requests are shared with the content managers of the Office of Public Affairs, as opportunities to proactively disclose records of particular public interest.

Last fiscal year, the CFTC FOIA Office held quarterly meetings specifically to discuss opportunities for proactive disclosure. The frequency in the meetings has been increased this fiscal year so that the meetings occur monthly. In particular, the meeting is used to identify recent FOIA requests that would make good candidates for proactive disclosure or are required to be disclosed under (a)(2)(D). These monthly meetings ensure that no appropriate requests linger beyond relevancy to the public, ensuring proactive disclosure in a timely manner. This process has led to the proactive disclosure of more records in FY 2024 than in FY 2023, which we hope to continue to increase year after year.

2. Does your agency post logs of its FOIA requests?

Yes, we post our FOIA logs.

- If so, what information is contained in the logs?

The logs typically include the Request ID, Received Date, Request Description, and Final Disposition.

- Are they posted in CSV format? If not, what format are they posted in?

The logs are posted as charts in PDF format.

- Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links.

In FY 2024 we proactively disclosed more records on our FOIA website, and plan to continue to increase proactive disclosures year to year. The FOIA Office proactively discloses information that we anticipate FOIA requesters will have interest 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/financialfcmdata/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>

In addition, the agency also routinely proactively discloses many other materials of public interest, including:

Forms and Submissions: <https://www.cftc.gov/Forms/index.htm>

Orders: <https://www.cftc.gov/IndustryOversight/IndustryFilings/CommissionOrdersandOtherActions>

Final Agency Opinions and Adjudicatory Orders:

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

3. Provide examples of any material (with links) 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).

Examples of materials with have proactively disclosed this past reporting year include Petitions for Rulemakings, Organizational Charts, FOIA Logs, Market Data Services for Global Risk System, and Records about "Intrade."

All are available here: https://www.cftc.gov/FOI/foia_freqrequestinfo.html

4. Please provide a link (or component links, if applicable) where your agency routinely posts its frequently requested records.

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

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? If yes, please provide examples of such improvements, such as steps taken to post information in open and machine readable formats. If not taking steps to make posted information more useful, please explain why.

All of the records we post are searchable, and we provide data-related information in Excel format, but we do not post records in open formats. Calendar records proved challenging for us last fiscal year, but we have since reformatted the calendar records so that they were not so cumbersome to review, and those records are produced in a format to make the information easier for the public to review and locate specific dates and meetings.

In addition, we provide a brief description of the records posted for proactive disclosure to make it easy that highlight key words and phrases describing the records so that the public can easily and quickly determine which records they would likely be interested in.

6. 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. The CFTC FOIA Office and Office of Public Affairs work with other agency staff to ensure that proactive disclosures reach the public in the correct format, for example. Staff collaborates to ensure that posted information is user-friendly. This sometimes includes collaboration with the Divisions, often the custodians of the records, to determine how the information is most effectively presented.

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

As previously mentioned, we have placed a standing meeting on our calendars to specifically discuss proactive disclosures. Increasing the meeting frequency from quarterly to monthly has increased our proactive disclosures this year, but considering how important proactive disclosures have become, we are also considering meeting even more frequently, such as weekly, to evaluate our proactive disclosure progress.

One consistent area of challenge is the need to balance the goal of making proactive disclosures with the protecting the sensitive and proprietary nature of much of the agency's records. A substantial portion of the CFTC's data comes from third parties who request confidential treatment.

Where records are data-centric, they are posted in Excel format. All records posted are searchable by the public. The CFTC FOIA Office provides a brief description of all posted items, to make them more accessible to those searching for information. Wherever possible and practical, the CFTC FOIA Office will reproduce records to make the records easier for public review. For example, digital calendars proved challenging to produce in a legible way. The CFTC FOIA Office worked with IT staff and custodians to find a way that was beneficial to both the public and to the agency.

SECTION 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 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?

Yes.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.

The CFTC FOIA Office worked closely with the agency IT staff to develop a new format in which to collect and post calendar and email records. The new format allows for more efficient review because, among other efficiencies, it excludes from searches lengthy "dial-in" links in calendar events.

The CFTC FOIA Office continues to expand its utilization of FOIAXpress. At weekly meetings, staff regularly discuss how to more efficiently utilize the tools provided by our existing software, and how to integrate those tools with other systems. For example, the FOIA Office began using a SharePoint site to help track incoming requests and set reminders, in addition to FOIAXpress. In addition, we met with a FOIA management system company to consider their new technology offerings, which included many automation features to increase efficiency.

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. The CFTC FOIA Office works closely with IT staff to automate record processing to the extent possible. For example, our "eLaw" team has created tools to automatically exclude news articles from search results, eliminating the often voluminous but seldom responsive documents. As another example, we use Relativity to remove or reduce duplicate records in searches.

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 2024 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 2025.

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 2023 Annual FOIA Report and, if available, for your agency's Fiscal Year 2024 Annual FOIA Report.

Raw Data for Fiscal Year 2023 and Fiscal Year 2024 Annual FOIA Reports:

<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.

The CFTC FOIA Office regularly meets with the eLaw (IT) staff to ensure that we search for and collect records in the most thorough yet efficient way possible, given our available technological capacity.

The CFTC FOIA Office's greatest challenge in utilizing technology is a lack of staff. In many respects we are dependent on the eLaw (IT) staff for expertise in the formatting and technological elements of our records productions.

One best practice for the CFTC FOIA Office is the exploration of new options for FOIA processing solutions. We regularly seek to learn about new FOIA management systems to achieve maximum efficiency in our processing of requests. Ultimately, our greatest challenge in best utilizing technology is a lack of resources.

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.

The CFTC Whistleblower Office works directly with individuals who have submitted a Tip, Complaint, or Referral to access copies of records the individual submitted. The CFTC Reparations Program works directly with individuals to provide status updates about the individual's particular case.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

The CFTC FOIA Office continually reviews agency regulations regarding first-party information access to determine whether the process can be simplified and less onerous for first-party requesters. Concrete examples of this simplification include the implementation of a new Privacy Act form and ID certification.

B. Timeliness

4. For Fiscal Year 2024, 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 2024 Annual FOIA Report.

5. 6 days

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 2024 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.

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

Yes.

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 2024?

Yes, it was 2.15 days.

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

Yes.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2024 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.

36.04%

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?

N/A.

C. Backlogs

BACKLOGGED REQUESTS

11. If your agency had a backlog of requests at the close of Fiscal Year 2024, 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 2023?

No, the backlog did not decrease as compared with the backlog at the end of FY 2023. The agency received a substantial increase in both FOIA requests and Privacy Act requests. Coupled with the lack of additional resources, the increase in requests received contributed to the increase in the backlog.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2024 than it did during Fiscal Year 2023?

Yes.

13. If your agency's request backlog increased during Fiscal Year 2024, 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

The CFTC FOIA Office's backlog increased by seven requests in FY 2024. The single most influential factor in this increase was the number of requests received – the FOIA Office received over 150 more requested in FY 2024 than in FY 2023. The agency also saw an increase in the number of complex requests, including requests that were voluminous, multi-part, had long date ranges, or involved 30 or more individual custodians.

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 2024. 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."

11/443 = 2.48%

BACKLOGGED APPEALS

15. If your agency had a backlog of appeals at the close of Fiscal Year 2024, 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 2023?

The CFTC FOIA Office had no backlog of appeals for FY 2024 or FY 2023. The FOIA Office received just one appeal in FY 2024.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2024 than it did during Fiscal Year 2023?

N/A.

17. If your agency's appeal backlog increased during Fiscal Year 2024, 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

N/A.

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 2024. 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 2024 and/or has no appeal backlog, please answer with "N/A."

N/A.

D. Backlog Reduction Plans

19. In the 2024 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2023 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 2024?

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

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2024, please explain your agency's plan to reduce this backlog during Fiscal Year 2025.

N/A.

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

TEN OLDEST REQUESTS

21. In Fiscal Year 2024, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2023 Annual FOIA Report?

No.

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 2023 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

We had fewer than 10 oldest requests to close. We closed 4 out of the 5 “ten oldest” requests.

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

The CFTC FOIA Office proactively contacts requesters in an attempt to narrow the scope and volume of requests. Where appropriate, the FOIA Office connects requesters with division and office staff subject matter experts to determine precisely what records the requester seeks. The FOIA Office added a temporary detailee to its staff to help more effectively manage its caseload.

TEN OLDEST APPEALS

24. In Fiscal Year 2024, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2023 Annual FOIA Report?

N/A – we did not have any pending appeals.

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 2023 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A.

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

We added additional staff to the group that handles FOIA appeals.

TEN OLDEST CONSULTATIONS

27. In Fiscal Year 2024, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2023 Annual FOIA Report?

N/A – We did not have any pending consults.

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 2023 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A.

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 2025.

The CFTC FOIA Office plans to close its ten oldest requests by prioritizing them in the request queue. CFTC FOIA staff regularly conduct checks with the record custodians in an effort to hasten production and close the requests. The agency received many more requests this fiscal year, including more complex requests, which has contributed to the continued processing of the ten oldest requests.

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

We did not have any FOIA litigation during this reporting period.