

2026 Chief FOIA Officer Report

Commodity Futures Trading Commission

Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Department of Justice's (DOJ) 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 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 and Acting Executive Director.

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?

The CFTC requires FOIA training for all new employees, appointees, contractors, and interns, regardless of their division, office, 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, we aim for all CFTC staff to connect with the FOIA Program from their first week with the agency.

B. Presumption of Openness

4. DOJ's 2022 FOIA Guidelines provide 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 interest 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) 2025 (please separate full and partial Glomar responses if possible);

We issued one full Glomar response. No partial Glomar responses.

- the number of times a Glomar response was issued by exemption during FY 2025 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

Exemption 6 and 7(C) – One time.

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 custodians of responsive records to determine whether any redacted information can be released without harm, rather than only assessing whether unredacted information is 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

DOJ'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.” DOJ 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 one-on-one 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.

2. Did your FOIA professionals, or other personnel at your agency with FOIA responsibilities, attend substantive FOIA training during the reporting period, such as training 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.

Virtual Exemption 4 and Exemption 5 Training

Virtual Privacy Considerations Training

Virtual Procedural Requirements and Fees Training

Virtual Exemption 1 and Exemption 7 Training

Virtual Introduction to the Freedom of Information Act

Virtual Administrative Appeals, FOIA Compliance, and Customer Service Training

Virtual Advanced Freedom of Information Act Training

Virtual Litigation Seminar

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 leaders (Commissioners, Chiefs of Staff, Office/Division Directors) receive one-on-one, in-person, FOIA training. All other 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. The onboarding FOIA training teaches non-FOIA professionals about their role in the FOIA process and their obligations under the FOIA. CFTC FOIA professionals also maintain an internal FOIA Resource Page on the agency’s intranet. The FOIA Resource Page contains guidance for any employee to access at any time. In addition, when we send a Request for

Documents, our FOIA Search Response Form and the accompanying email provide directions to non-FOIA professionals about their obligations to respond to the FOIA request.

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, it is our standard practice to reach out to requesters right away concerning any complex or voluminous requests to clarify what the requester is really looking for and attempt to limit the scope of the request. This facilitates faster and more efficient responses. For example, we receive many requests asking for “any and all” records; we contact requesters regarding these requests to explain how broad the request is and provide suggestions for limiting the scope. Common suggestions we make are to limit the timeframe, to provide specific individuals or offices to search, or to provide details on a specific context or subject matter. These suggestions have been helpful in allowing us to move forward with a reasonable search for records and crafting requests to target what a requester is actually seeking.

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, non-FOIA professionals became actively engaged in some of our FOIA requests and proactively reached out to FOIA requesters to target what they were looking for. We encourage involvement like this from non-FOIA staff because it fosters efficiency by directly connecting requesters with the subject matter experts of a particular request topic.

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 2025 (please provide a total number or an estimate of the number for the agency overall).

25 times.

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, and we recently added another part-time FOIA professional to our team due to increasing FOIA demands.

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.

At the end of each week, we send a report of all new FOIA requests received that week to upper management. The report includes certain metrics regarding the new requests that help ensure that workloads are managed most effectively. In addition, we use data analysis from our case management system to identify requests that are identical or similar to previously processed requests. We also use this data to aggregate requests when appropriate, to increase efficiency.

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

We prioritize requests based on their age (and expedited treatment status); however, we also evaluate all new requests and dedicate special time to those that can be processed quickly due to various reasons.

Section III: Proactive Disclosures

DOJ'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 FOIA team holds monthly meetings to evaluate all requests closed in the past month and identify those to post as proactive disclosures.

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

- If so, what information is contained in the logs? *Request ID, Requester Name, Organization, Received Date, Request Description, and Final Disposition.*
- Are they posted in CSV format? If not, what format are they posted in? *PDF format.*

- Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links. https://www.cftc.gov/FOI/foia_freqrequestinfo.html

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).

KalshiEX Voting Record

FOIA Logs

Communications with Kamala Harris

Communications with JD Vance

Petitions for Rulemaking

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 your agency is not taking steps to make posted information more useful, please explain why.

Beyond posting new material, we are making the posted information more useful to the public by making more of an effort to point requesters to the website and publicly available information. Sometimes, this information satisfies a request, but the requester was unaware that it was posted.

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, we work directly with the Office of Public Affairs to post our proactive disclosures and frequently requested records. We also work closely and regularly with IT staff to collect records of large volumes and to pull them in the most appropriate and user-friendly format.

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

The best practices we use are to closely track our frequently requested records and to track hot topics that are likely to have a high public interest. A challenge we face is how to become aware of and account for all records posted by other offices and divisions.

Section IV: Steps Taken to Make Better Use of Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. DOJ'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.

Historically, notes have been difficult to search for, but we have started using OneNote which will foster consistency and allow staff notes to be stored all in the same location.

3. Does your agency currently use any technology to automate request intake, customer service, or record processing? For example, does your agency use artificial intelligence or other 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. We also take advantage of FOLAXpress's "search and redact" tool to quickly locate and redact repetitive information that would otherwise be tedious to manually redact, such as personal email addresses that appear in mass email chains.

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 2025 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 2026.

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 2024 Annual FOIA Report and, if available, for your agency's Fiscal Year 2025 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 your agency best practices in better utilizing technology and any challenges your agency faces in this area.

A best practice utilized by the CFTC FOIA Office is to regularly meet with and develop close relationships with our eLaw (IT) staff. This ensures smooth coordination for records searches and ensures that we search for and collect records in the most thorough yet efficient way possible, given our available technological capacity. A challenge is that system upgrades often result in glitches that take time to identify and fix.

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

DOJ'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 for any categories of 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.

Our Whistleblower Office has developed a process for working directly with individuals who have submitted a Tip, Complaint, or Referral to access copies of information they have submitted and provide status information. In addition, we recently created a new Privacy Act online request form which includes a more streamlined certification of identity verification.

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

Although we generally encourage electronic communication, we allow hard copy FOIA requests and make a special effort to print and mail records to incarcerated individuals.

B. Timeliness

4. For Fiscal Year 2025, 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 2025 Annual FOIA Report.

29.71 days.

5. If your agency's average number of days to adjudicate requests for expedited processing was more than ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2025 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.

To ensure that all requests for expedited processing are adjudicated within ten calendar days, we will hold a meeting each week specifically dedicated to reviewing all new requests for expedited processing.

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 2025?

Yes.

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

N/A

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2025 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.

21.61%

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 2025, 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 2024?

No.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2025 than it did during Fiscal Year 2024?

No.

13. If your agency's request backlog increased during Fiscal Year 2025, 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

Our backlog increased in part due to reorganization within the agency. We have had many people in acting roles, which required time for them to get up to speed. In addition, we

experienced an increase in the complexity of our requests this year. For example, many requests required consultation and coordination with other agencies, which increased processing time.

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 2025. 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."

11.6%

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2025, 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 2024?

N/A

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2025 than it did during Fiscal Year 2024?

N/A

17. If your agency's appeal backlog increased during Fiscal Year 2025, 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 2025. 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 2025 and/or has no appeal backlog, please answer with "N/A."

N/A

D. Backlog Reduction Plans

19. In the 2025 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2024 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 2025?

N/A

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2025, please explain your agency's plan to reduce this backlog during Fiscal Year 2026.

N/A

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

Ten Oldest Requests

21. In Fiscal Year 2025, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2024 Annual FOIA Report?

Yes.

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 2025 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

N/A

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

We made a greater effort this year to provide partial, rolling responses to requesters; often, the partial responses were sufficient to satisfy the requester, so we were able to close the request earlier than expected.

Ten Oldest Appeals

24. In Fiscal Year 2025, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2024 Annual FOIA Report?

N/A

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 2024 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A

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

Our FOIA appeals team is well staffed, so appeals are addressed promptly.

Ten Oldest Consultations

27. In Fiscal Year 2025, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2024 Annual FOIA Report?

N/A

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 2024 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 2026.

N/A

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.