



2022 DoD Chief FOIA Officer Report

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Unless otherwise noted, your responses to the questions posed within should address component activities that have occurred since the submission of your input for last year's Chief FOIA Officer Report. DOJ's intent is for the report to cover March 2021 - March 2022; therefore, you should include actions you intend to implement by March 2022.

* 1. Name of Component

ARMED SERVICES BOARD OF CONTRACT APPEALS ASBCA; BOARD



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Section I: Steps Taken to Apply the Presumption of Openness

Please answer the following questions in order to describe the steps your component has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your component is working to apply the presumption of openness.

2. Did your FOIA professionals attend FOIA training? If so, please indicate the source of the training. (Check as many that apply)

☐ No (If your answer is no, please provide explanation at question 3 below.)

☒ DoD-wide FOIA/PA Training (ie: FOIA 101 Virtual Training, etc.)

☒ Department of Justice

☐ American Society of Access Professionals (ASAP)

☐ Component-sponsored training

Additional Comments

Due to COVID-19 FOIA professionals attended training Online with the DOJ.

3. Provide the total number of FOIA professionals (full time and full time equivalent rounded-up) in your component who attended FOIA training during this reporting period.

- ☐ 1
- ☒ 2-5
- ☐ 6-10
- ☐ 11-20
- ☐ 21-30
- ☐ 31-40
- ☐ 41-100
- ☐ 101-150
- ☐ 151-200
- ☐ 201-250
- ☐ 251-300
- ☐ 300+

Other (please specify)

4. If less than 80% of your component's FOIA professionals attended training, please explain the plan to ensure that all your FOIA professionals receive or attend substantive FOIA training during the next reporting year.

- ☒ 80% or more of our FOIA professionals attended training
- ☐ 80% or less of our FOIA professionals attended training. Our plan to train at least 80% of our FOIA professionals next year is:

5. Did the personnel at your component who have FOIA responsibilities attend training in federal records management during this reporting period?

- ☐ Yes
- ☒ No

6. Did your FOIA professionals engage in structured outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA?

This question addresses outreach that is conducted outside of the individual request or appeal process. For example, outreach activities can include holding meetings with frequent requesters, conducting surveys or otherwise soliciting requester feedback, or participating in any other requester initiatives coordinated by your Component or by others, such as OIP.

☐ Yes

☒ No

If yes, please briefly discuss the engagement.

7. Describe any efforts your component has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your Component provides FOIA training or briefings to non-FOIA staff.

Due to the small agency size, non-FOIA professionals interact with the Board's IDA on a regular basis.

8. If there are any other initiatives undertaken by your Component to ensure that the presumption of openness is being applied, please describe them here. If the initiatives are online, please provide links in your description.

The Board's website provides a Freedom of Information Act link to guide potential requesters in submitting a request and contact information to inquire on the same. In addition, the Board's website provides over 6,000 published decisions and Board generated reports going back to at least the year 2000.



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Section II: Steps Taken to Ensure that Your Component Has an Effective System in Place

Please answer the following questions to describe the steps your Component has taken to ensure that management of your FOIA program is effective and efficient. You should also include any additional information that describes your component's efforts in this area.

9. For Fiscal Year 2021, if your component's average number of days to adjudicate requests for expedited processing was more than ten days, please describe the steps you will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less. (Please see Section VIII.A of your Component's Fiscal Year 2021 Annual FOIA Report.)

☒ N/A

☐ Steps to ensure requests for expedited processing are adjudicated in ten calendar days or less:

Expedited requests are addressed in a timely manner to ensure a decision to grant or deny is provided within 10 calendar days of the expedited request.

10. Does your component have SOPs that outline general processes for handling FOIA requests and appeals?

☒ Yes

☐ No

If no, does your Component have plans to create FOIA SOPs?

11. How often does your Component review and update your FOIA SOPs for changes in law, best practices, and technology?

- ☐ Monthly
- ☒ Quarterly
- ☐ Twice Annually
- ☐ Annually
- ☐ N/A
- ☐ Other (please specify)

12. Does your component frequently receive common categories of first-party requests?

- ☐ Yes
- ☒ No

If yes, please specify the types of requests, and if your Component has explored establishing alternative means of access to these records outside of the FOIA process:

13. During the reporting period, did your component conduct a self-assessment of its FOIA program?

- ☒ Yes
- ☐ No

If yes, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, or use of the OIP FOIA Self-Assessment Toolkit, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your component's FOIA program.

FOIA Professionals meet bi-weekly to discuss incoming complex FOIA requests from requesters and at least yearly to discuss training tools and review the current internal tracking database system.

14. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the component's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your FOIA Public Liaison during FY21.

- ☐ 801+
- ☐ 500-800
- ☐ 251-499
- ☐ 101-250
- ☐ 51-100
- ☐ 32-50
- ☐ 16-31
- ☒ 1-15
- ☐ Never

Exact Number or Other (please specify)

15. Has your Component reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands?

- ☐ No
- ☒ Yes (please specify)

The Board's IDA adjusts FOIA staffing on an annual basis based on the number of requests received and the time required for the Board to respond.

16. If there are any other steps your component has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

FOIA professionals are encouraged to attend online and in-person training at least once a year. The Board has created its own FOIA database to track, monitor, and close out FOIA requests. The Board encourages its professionals to cross-train in different FOIA processing steps so that they may fully understand the cradle-to-grave FOIA submission, acknowledgment, processing, document(s) search, document(s) retrieval, and FOIA closeout.

17. If there are any challenges that your component faces in ensuring your FOIA system operates effectively and efficiently, please describe them here.

N/A





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Section III: Steps Taken to Increase Proactive Disclosures

The DOJ has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your component has taken to increase the amount of material that is available on your component websites. In addition to the questions below, you should also describe any additional steps taken by your component to make and improve proactive disclosures of information.

18. Has your component proactively disclosed material during the past reporting year?

☒ Yes

☐ No

If yes, please provide examples including links to the posted material.

<https://www.asbca.mil/FOIA/foia.html>
<https://www.asbca.mil/Decisions/decisions2021.html>
<https://www.asbca.mil/Reports/reports.html>
<https://www.asbca.mil/Charter/charter.html>
<https://www.asbca.mil/Rules/rules.html>
<https://www.asbca.mil/ADR/adr.html>
<https://www.asbca.mil/Bios/biographies.html>

19. Did your component identify records that have been requested and released three or more times (and are therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a)(2)(D))?

☐ Yes

☒ No

If yes, please describe those efforts.

20. Does your component disseminate common types of material outside of FOIA, including in online databases where the public may access them? (If you provided a number on the DD 2564 for Section XI, Question B.2. on page 7, answer yes below).

☒ No

☐ Yes (Please provide examples and, if applicable, statutory authority):

The Board proactively publishes decisions, Board statistics, and administrative judge biographies on its website.

21. Beyond posting new material, is your component taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your component's website?

☐ Yes

☒ No

☐ No, we already post material in the most useful format and those efforts are described immediately below.

If yes, please describe and provide examples. Steps can include soliciting feedback on posted material, improving search capabilities on your component website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

22. Does your component's proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office?



No



Yes (Please describe this interaction)

23. Are there any other steps your component has taken to increase proactive disclosures?



No



Yes, engaging requesters to assist in determining what to post



Yes, using web analytics

Other (please specify)

24. If there are any challenges your component faces in increasing proactive disclosures, please describe them here.

N/A



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Section IV: Steps Taken to Greater Utilize Technology

Please answer the following questions describing how your component is using technology to improve its FOIA administration and the public's access to information. Please include any additional information that that describes, or elaborates on, your component's efforts in this area.

25. Has your component reviewed its FOIA-related technology capabilities to identify resources needed to respond to current and anticipated FOIA demands?

☐ Yes

☒ No

If yes, please describe any types of new technology your component began using during the reporting period to support your FOIA program:

26. Has your component reviewed its FOIA website(s) during the reporting period to ensure that it contains essential resources, and is informative and user-friendly?

☒ Yes

☐ No

27. Has your component identified any best practices to leverage technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

☐ Yes

☒ No

If yes, please describe the best practices, types of technology used, and the impact on your FOIA Request processing.

28. If there are any challenges that your component faces in greater utilizing technology, please describe them here.

N/A



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Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether components closed their ten oldest requests, appeals, and consultations. For the figures required in this Section, please refer to your component's 2021 Annual FOIA Report and, when applicable, your component's 2020 Annual FOIA Report.

29. If your component's backlog of initial FOIA requests did not decrease, please explain why and describe the causes that contributed to your inability to reduce the request backlog. Also, please indicate if any of the following were contributing factors:

- ☒ We do not have a FOIA Request backlog, or the backlog decreased
- ☐ The FOIA Request backlog did not decrease because the number of incoming requests increased
- ☐ The FOIA Request backlog did not decrease because of a reduction of staff; to include a loss of contractors
- ☐ The FOIA Request backlog did not decrease because of the impact of COVID-19 and workplace and safety precautions
- ☐ The FOIA Request backlog did not decrease because the complexity of requests increased

Include any other reasons that may apply

30. If your component's backlog of FOIA appeals did not decrease, please explain why and describe the causes that contributed the inability to reduce the appeals backlog. Also, please indicate if any of the following were contributing factors:

- ☒ We do not have an appeals backlog, or the backlog decreased
- ☐ Our appeals backlog did not decrease because the number of incoming appeals increased
- ☐ Our appeals backlog did not decrease because of a reduction of staff; to include a loss of contractors
- ☐ Our appeals backlog did not decrease because of the impact of COVID-19 and workplace and safety precautions
- ☐ Our appeals backlog did not decrease because the complexity of the appeals increased

Include any other reasons that may apply

31. If you reported a backlog of FOIA requests in Fiscal Year 2020, did your component implement a backlog reduction plan in Fiscal Year 2021? If so, describe your component's efforts in implementing this plan and note if you were able to achieve backlog reduction in Fiscal Year 2021.

- ☒ We did not have a backlog in FY2020
- ☐ Yes, we implemented a backlog reduction plan and details are below
- ☐

32. If your Component had a backlog of more than 1,000 requests in Fiscal Year 2021, what is your Component's plan to reduce this backlog during Fiscal Year 2022?

☒ Not applicable

☐ Please describe your plan here:

33. In Fiscal Year 2021, did your component close the ten oldest requests that were pending as of the end of Fiscal Year 2020?

☒ We did not have any "ten oldest" requests at the end of FY2020

☐ Yes

☐ No

If not, how many did you close? If you had less than ten total "oldest requests" to close, please so indicate. For example, if you only had seven requests and you closed two of them, you should note that you closed two out of seven "oldest requests".

34. Of the requests your component was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

☐ We did not have any "ten oldest" requests

☒ We did not have any "ten oldest" requests withdrawn by the requester

☐ We had "ten oldest" requests withdrawn by the requester, resulting in case closures, and did not provide interim response(s)

☐ We had "ten oldest" requests closed because they were withdrawn by the requester and we had provided interim response(s)

Number of "ten oldest" requests closed because they were withdrawn by the requester and of those, the number with interim responses:

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

☐ We did not have any "ten oldest" requests

☒ We did have "ten oldest" requests

Describe the steps you took to reduce the overall age of your pending requests.

The Board works on appeals as they are received and takes proactive steps to process each appeal quickly and accurately.

36. In Fiscal Year 2021, did your component close the ten oldest appeals that were pending as of the end of Fiscal Year 2020?

☒ We did not have any "ten oldest" appeals at the end of FY2020

☐ Yes

☐ No

If not, how many did you close? If you had less than ten total "oldest appeals" to close, please so indicate. For example, if you only had seven appeals and you closed two of them, you should note that you closed two out of seven "oldest" appeals.

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

☒ We did not have any "ten oldest" FOIA appeals

☐ We did have "ten oldest" FOIA appeals

Describe the steps you took to reduce the overall age of your pending appeals:

38. In Fiscal Year 2021, did your component close the ten oldest consultations that were pending as of the end of Fiscal Year 2020? This question is asking about your component's consultation queue. That is, requests that were sent to your component as a consultation from another component or agency (Section XII.C of the Annual Report).

☒ We did not have any pending "ten oldest" consultations at the end of FY2020

☐ Yes

☐ No

If not, how many did you close? If you had less than ten total "consults" to close, please so indicate. For example, if you only had seven consults and you closed two of them, you should note that you closed two out of seven "oldest" consults.

39. Please explain the obstacles your component faced in closing its **ten oldest** requests, appeals, and consultations from Fiscal Year 2020.

☒ We did not have any "ten oldest" FOIA requests, appeals or consultations

☐ We did have "ten oldest" from FY2020 and the obstacles we faced are:

40. If you were unable to close any of your ten oldest requests or appeals because you were waiting to hear back from other agencies on consultations you sent, please provide the case number, the date the request was initially received by your component, the date your component sent the consultation, and the date when you last contacted the agency where the consultation was pending.

☒ We did not have any "ten oldest" delayed by consultations

☐ We had some "ten oldest" delayed by consultations, and the case number(s) and date(s) are:

41. If your component did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your component intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2022.

☒ Not applicable because we did not have any ten oldest requests, appeals or consultations

☐ Our plan to close our ten oldest requests, appeals, and/or consultations is:



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Spotlight on Success

* 42. Since submission of your last Chief FOIA Officer Report, out of all the activities undertaken by your component to increase transparency and improve FOIA administration, describe success stories you would like to highlight as emblematic of your component's efforts.

The Board has engaged requesters to discuss any questions or concerns they may have early in the FOIA process to help narrow their request and help avoid issues.

* 43. Please provide information so we can compute the cost for compiling this Chief FOIA Officer Report. Insert the equivalent grade and number of hours spent by your component on preparing this response. For instance: GS 9, Step 2 / 2.5 Hours; GS 15 Step 5 / 0.5 Hours. We will use a separate mandated tool that calculates total costs tied to personnel grade levels in aggregating the responses for the final DoD Report.

GS 15, step 8: 0.5 hrs.

GS 14, step 3: 0.75 hrs.

GS 11, step 2: 2 hrs.



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This is the final page.

44. When you click "Done" the report will be submitted and you cannot make additional changes.