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Page 1: Please use the online tool to submit your 2024 Chief FOIA Officer Report.

Q1

Name of Component

Armed Services Board of Contract Appeals (ASBCA)

Page 2: Section I: Steps Taken to Apply the Presumption of Openness

Q2

What steps has your component taken to incorporate FOIA into its core mission? For example, has your component incorporated FOIA milestones into its strategic plan?

Each member of the ASBCA's FOIA team participates in yearly FOIA training and in person best practice training to better understand applicable FOIA policies and apply that knowledge to FOIA requests. The ASBCA tracks their FOIA requests thoroughly and cautiously to ensure each request is addressed within the rules established by the DoD.

**Q3****Yes**

Has your Component applied the foreseeable harm standard to identify information that may be released even though it is technically within the scope of a FOIA exemption (other than exemption (b)(3))?

Q4**Yes**

Per the AG's 2022 FOIA Guidelines, did your Component document foreseeable harm determinations in the FOIA administrative case file to support further review of the case in the event of an appeal?

Q5

Yes

The AG'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 component provide such confirmation in its response letters?

Q6

Yes

In some circumstances, components 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. In addition to tracking the asserted exemption, does your component specifically track whether a request involved a Glomar response?

Q7

If your component tracks whether a request involved a Glomar response, please provide the number of times your component issued a full or partial Glomar response. (If you do not track Glomar responses, respond "N/A")



ASBCA tracks Glomar responses, but didn't have any responses that asserted a neither confirm or deny.

Q8

If your component tracks whether a request involved a Glomar response, please provide the number of times a Glomar response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times). (If you do not track Glomar responses, respond "N/A")



No Glomar responses were issued by the ASBCA during the requested time period

Q9

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 ASBCA's website provides a Freedom of Information Act link, <https://www.asbca.mil/FOIA/foia.html>, to guide potential requesters in submitting a request. In addition, the ASBCA's website provides over 6,000 published decisions and reports dating from the year 2000 to the present. Links to these documents include: <https://www.asbca.mil/Decisions/decisions2023.html>; <https://www.asbca.mil/Rules/rules.html>; <https://www.asbca.mil/Reports/reports.html>; <https://www.asbca.mil/ADR/adr.html>; <https://www.asbca.mil/Rules/forms/GENERAL%20GUIDANCE%20FOR%20CONDUCTING%20VIRTUAL%20PROCEEDINGS%20-%20208.28.2020.pdf>

Page 3: Section II: Steps Taken to Ensure that Your Component Has a Fair and Effective System in Place

Q10

Please describe the efforts your component has undertaken to ensure proper FOIA training is made available and used by personnel.

FOIA personnel at the Board are required to take DoD/DOJ-wide FOIA training when available to keep up to date on FOIA policies and procedures.

Q11

Did your FOIA professionals or the personnel at your component who have FOIA responsibilities attend substantive FOIA training during the reporting period? If so, please indicate the source of the training. (Check as many that apply)

DoD-Wide FOIA/PA Training (ie: FOIA 101 Virtual Training etc.)

Department of Justice

Q12

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.

80%

Q13

If less than 80% of your component's FOIA professionals attended training, please explain your component's 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

Q14

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; and if senior leaders at your component received a briefing on your component's FOIA resources, obligations and expectations during the FOIA process?

The ASBCA's non-FOIA professionals are provided FOIA training slides and are encouraged to engage with the ASBCA's FOIA staff in the event a FOIA question or issue arises. The ASBCA's Chairman is briefed weekly on any notable FOIA activities including unique FOIA requests, staff training attendance, and the preparation and submittal of annual reporting requirements including the preparation of the DoD Chief FOIA Officer Report.

Q15

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?

Yes,

If yes, please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your component's FOIA administration::

The Board commonly receives inquiries on questions or records related to a ASBCA contract appeal. Therefore, the ASBCA's policy is to provide to the requester the FOIA regulation and to narrow the scope of the documents they seek in order to accurately fulfill its guidance during the FOIA process.

Q16

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?

Yes,

If yes, please describe any such outreach or dialogue, and, if applicable, any specific examples::

Conference calls are held with the requestor to provide clarity on vague or overly broad requests. In addition to narrow the scope of their request, the ASBCA provides a copy of the **ASBCA contract appeal's docket sheet** and contact information for the OSD/JS FOIA Public Liaison.

Q17

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 FY 2022.

1-15

Q18

Has your component evaluated the allocation of component personnel resources needed to respond to current and anticipated FOIA demands?

Yes,

If yes, please describe what changes your component has or will implement::

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

Q19

How does your component 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 ASBCA has created its own FOIA database to track, monitor, and close out FOIA requests via share drives, MS excel, and FOIA tracking logs.

Q20

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.

The ASBCA encourages its professionals to cross-train in different FOIA processing steps so that they may fully understand the ASBCA's FOIA policies and procedures, submission, acknowledgment, redactions, document(s) search, document(s) retrieval, and FOIA closeout.

Q21

Has your Component ensured compliance with 5 U.S.C. 552(a)(2)(D)(ii) and identified any potential processes for increasing your release of proactive disclosures?

Yes,

If yes, please describe what steps your component takes to identify, track, and post (a)(2) proactive disclosures, and whether your FOIA office has set a process by which that release will routinely occur::

The ASBCA updates and publicly discloses its final decisions/dismissal and reports on its website on a daily basis.

Q22

Does your Component post logs of its FOIA requests?

No

Q23

Are logs posted in Comma Separated Values (CSV) format

No,

If not, what format are they posted in?:

N/A

Q24

Provide examples of any material that your component 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.

<https://www.asbca.mil/FOIA/foia.html>

<https://www.asbca.mil/Decisions/decisions2023.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>

Q25

How long after identifying a record for proactive disclosure does it take your agency to post it?

15 - 29 days

Q26

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,

If yes, please provide examples of such improvements. In particular, please describe steps your component 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.:

Documents are publicly available for download and are machine-readable. In addition, the ASBCA's website contains a search bar to search documents for key terms or phrases.

Q27

Does your proactive disclosure process or system involve any collaboration with component staff outside the FOIA office, such as IT or data personnel?

Yes,

If yes, please describe this interaction::

The IT staff manages and posts material on the ASBCA's website per the ASBCA's rules and regulations.

Q28

Did your Component identify any categories of records that (1) your Component makes readily accessible for private use without the requirement to file a FOIA or Privacy Act request, and (2) your Component determines may be appropriate to make so accessible in the future? This could include records about Service members, family members, and civilian or contractor personnel made directly accessible to those individuals through an account-based DoD online portal.

Yes,

If yes, please describe::

Categories of records the ASBCA makes accessible on its website include judges' biographies, decisions, rules and guidance, and annual reports.

Q29

Please describe the best practices used to improve proactive disclosures and any challenges your component faces in this area.

Proactive disclosures are posted on the Board's website and are separated by category and sorted by date.

Page 5: Section IV: Steps Taken to Greater Utilize Technology

Q30

Yes

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

Q31

Please briefly describe any new types of technology your component began using during the reporting period to support your FOIA program.

The ASBCA has used MS-Teams to calendar track requests, due dates, and conduct video conferences.

Q32

No

Does your component currently use any technology to automate record processing? For example, does your component use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions?

Q33**Yes**

Has your component reviewed its FOIA website(s) during the reporting period to ensure that it contains essential resources, is informative and user-friendly, and addresses the elements noted in the OIP guidance issued in 2017?

Q34**No**

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?

Q35 Please describe any challenges your component faces in in greater utilizing technology to improve its FOIA administration. ASBCA is a small agency of approximately 50 employees. FOIA requests to the ASBCA generally fall into three categories. Many of the ASBCA's requests are misdirected or geared toward the Board's mission, where some documents may have originated with another government agency. The final category is requests directed toward documents created by ASBCA and its mission. Responsive documents may include another agency's legal theories or arguments, another agency's information or documents, or contain information from an entity outside the government. Accordingly, careful scrutiny of possible responsive documents by ASBCA is needed. Because multiple agencies and non-government entities may have equities in the possible responsive documents, review is made on a case-by-case basis, which does not easily lend to automation. ASBCA has created its own database tracking system which allows real time identification of each FOIA request. Despite these shortcomings, ASBCA has processed nearly all its FOIA requests within 20 business days.



Page 6: Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs

Q36**Yes,**

Has your component established alternative means of access to first-party requested records outside of the FOIA process?

If yes, please provide examples. If no, please indicate why not.:

The ASBCA has established categories of records it makes publicly available on its website for download outside the FOIA process.

Q37

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

We proactively disclose information on the website; that the Board engages and calls requester to provide assistance and answer their questions.

Q38

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 2022 Annual FOIA Report.)

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

Time manage diligently on the requested information by prioritizing document tasks and setting reminders when documents are due.

Q39**No**

Does your component utilize a separate track for simple requests?

Q40

We do not have a FOIA Request backlog, or the backlog decreased

If your component's request backlog increased during Fiscal Year 2023, 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:

Q41

We do not have an appeals backlog, or the backlog decreased

If your component's appeal backlog increased during Fiscal Year 2023, 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:

Q42

We did not have a backlog in FY 2023

If you reported a backlog of FOIA requests in Fiscal Year 2022, did your component implement a backlog reduction plan in Fiscal Year 2023?

Q43**N/A**

If your component had a backlog of more than 1,000 requests in Fiscal Year 2023, what is your component's plan to reduce this backlog during Fiscal Year 2024?

Q44

We did not have any "ten oldest" requests at the end of FY 2022

In Fiscal Year 2023, did your component close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?

Q45

We did not have any "ten oldest" requests

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

Q46

We did not have any "ten oldest" appeals at the end of FY 2022

In Fiscal Year 2023, did your component close the ten oldest appeals that were pending as of the end of Fiscal Year 2022?

**Q47**

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

ASBCA's strategy in drafting denial letters has been to include as much analysis, reason, and case law support for its decision. Accordingly, ASBCA denials are rarely appealed. ASBCA did not have any FOIA appeals in FY 2023 and there is no backlog of pending FOIA appeals.

Q48

In Fiscal Year 2023, did your component close the ten oldest consultations that were pending as of the end of Fiscal Year 2022? 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 FY2022

Q49

If your component did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your component intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2024.

N/A

Q50

Were any requests at your component the subject of FOIA litigation during the reporting period?

No

Q51


If your component received any requests during Fiscal Year 2022 that involved unusual circumstances as defined by the FOIA, please select all that apply.

Other(Pleasedescribellow) ,

Please provide the approximate number of requests, and briefly describe any "other" types of unusual circumstances::

When a record was provided by a non-government source and could contain exempt information, it is FOIA policy to notify the source of the FOIA request and afford an opportunity to present objections to the disclosure of any specified portion of the record. Thus, the ASBCA must collect the responsive documents and allow appellant-contractors to review the FOIA request and assert, if applicable, any FOIA exemptions.

Q52

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. 

ASBCA has been able to process FOIA requests within 20 business days by implementing a process that actively engages the requester and outside organizations. First, upon receipt of a request, ASBCA personnel immediately reach out to the requester. Commonly, this engagement is over the phone the same day the request is received or shortly thereafter. ASBCA talks to each requester to better understand what documents they seek, explain the FOIA process, and answer any questions they may have. Because of these conversations, ASBCA can commonly narrow the request to the specific document(s) that will satisfy the requester and help reduce anticipated fees. As many of ASBCA's responsive documents include information that might have originated outside ASBCA, a review of the responsive documents by that party is needed before document release. Likewise, ASBCA engages outside entities with clear and concise correspondence to help reduce their time commitment to document review. Accordingly, ASBCA's FOIA policies and processing procedures have resulted in processing times for both simple and complex requests on average less than 20 business days.

Q53

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 11, step 2 / 2.5

GS 12, step 2 / 2.5

GS 14, step 5 / 3.5

GS 15, step 9 / 1

Q54

Yes

Does your Senior Leadership review your Chief FOIA Officer responses before final submission

Page 8: This is the final page.

Q55

Respondent skipped this question

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