

2025 Chief FOIA Officer Report
of the
Federal Communications Commission

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The Federal Communications Commission (FCC or Commission) is an independent regulatory agency. It was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, wire, satellite, and cable. It is directed by five Commissioners nominated by the President and confirmed by the United States Senate. The President designates one of the Commissioners as Chair, who acts as the chief executive officer of the agency. The FCC is organized by function into seven operating bureaus and eleven staff offices. Implementation of the Freedom of Information Act (FOIA) is the responsibility of all FCC components, as FOIA requests are processed by the bureau or office that is the custodian of the records sought. The Commission's General Counsel is the FCC's Chief FOIA Officer. As specified in the *Guidelines for 2025 Chief FOIA Officer Reports*, the general reporting period for this Chief FOIA Officer (CFO) Report is March 2024 to March 2025. The FCC conducted a review of its administration of the FOIA and analyzed the data from its FOIA Annual Report from Fiscal Year 2024 (October 1, 2023, to September 30, 2024), supplemented by data gathered for the period through March 2025. The FCC's performance demonstrates its commitment to openness and proactive disclosure and its ongoing efforts at self-assessment and improvement of its FOIA program. Highlights of this review and analysis include:

- The agency conducted its FOIA program in an effective and timely manner during the reporting period, while handling a 66% increase in the number of FOIA requests received compared to the preceding fiscal year, totaling nearly 1,000 requests.
- Despite the dramatic increase in the number of requests received, the agency granted (in full or in part) 32 more requests in FY 2024 in comparison to FY 23 figures.
- The agency's average response time for complex track initial FOIA requests in FY 2024, improved by nearly 67% in comparison to FY 2023 data.
- The number of pending appeals at the end of FY 2024 remained low at 13.
- The average response time for expedited processing requests was 5.68 days in FY 2024. The average response time remained under the 10-day benchmark for the ninth year in a row.
- The agency's FOIA request backlog as a percentage of total requests received decreased for a second straight year.
- The agency proactively posted on its website more than 1.8 million records in FY 2024.

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.

Adam Candeub, General Counsel, is the FCC's Chief FOIA Officer.

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?

Effective FOIA administration is central to Goal 6 of the *FCC Strategic Plan Fiscal Years 2022-2026*, Foster Operational Excellence, which directs the agency to model "excellence in government" and "maintain a commitment to transparent and responsive processes that encourage public involvement and serves the public good." The Office of the Managing Director (OMD) and Office of General Counsel (OGC) have primary responsibility to administer the FCC's FOIA program, and more generally support the FCC's mission regulating interstate and international communications by radio, television, wire, satellite, and cable. The FCC is the United States' primary authority for communications law, regulation, and technological innovation.

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. Pursuant to established practice, FCC FOIA response letters must expressly consider the foreseeable harm standard as applicable to responsive records. OGC reviews every draft agency FOIA response letter and any responsive records (other than responses from the Office of the Inspector General) prior to release to ensure compliance with DOJ's guidance on foreseeable harm, among other things.

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 (separate full and partial if possible);
- the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

The FCC has not used *Glomar* responses during the reporting period or in the last several years; based on past experience. Therefore, the agency does not have a formal process for tracking such responses and does not plan to incorporate such tracking during FY 2025. However, if the agency were to adopt a formal system for tracking *Glomar* responses, it would need to assess the feasibility of adding a software feature to its FOIA system and would need to explore the relative time and personnel resources that would be required for such an undertaking given the dearth of *Glomar*

responses issued by the agency.

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.

One key focus has been ensuring ongoing training and professional development of FOIA staff. During the reporting period, OGC staff has made concerted efforts to educate agency staff through direct engagement regarding the presumption of openness, consistent with the March 15, 2022 Attorney General's Memorandum.

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.

During the reporting period, the Commission has undertaken a variety of tangible efforts to ensure appropriate FOIA training for relevant staff. The FCC requires all agency staff to take a Records Management training course annually, as described in more detail below. The agency also offered additional targeted training on several occasions to staff with FOIA responsibilities on its new platform for FOIA administration, ArkCase. In addition, the FOIA Service Center, housed in the FCC's OMD, routinely shares information about DOJ FOIA Training sessions with the agency's FOIA professionals and other staff with FOIA responsibilities, and numerous staff with substantial FOIA responsibilities attended one or more of these supplemental FOIA sessions during the reporting period.

Tailored FOIA training for the agency's bureaus and offices is conducted on request. For example, during the reporting period OGC FOIA staff provided an in-depth trainings to agency leadership staff as well as staff in the Commission's Office of Economics and Analytics covering the FOIA's legal framework as well practical approaches for processing FOIA requests. OGC FOIA staff also provided the agency's administrative law division with a presentation, and engaged in an extended question and answer period, on the agency's FOIA practice. In addition, the FOIA Service Center maintains an ongoing training program, providing individual FOIA training to any staff on request.

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. As explained in more detail in the response to Question 3 below, the agency's FOIA professionals and other staff attended FOIA training offered by DOJ's Office of Information Policy (OIP) and the FCC.

3. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

- DOJ Training:
 - Virtual Introduction to the Freedom of Information Act - April 3, 2024
 - Virtual Processing a Request from Start to Finish - April 10, 2024
 - Virtual Procedural Requirements and Fees Training - May 7, 2024
 - Virtual Litigation Training - May 21, 2024
 - Virtual Administrative Appeals, FOIA Compliance, and Customer Service Training - May 23, 2024
 - Virtual Exemption 1 and Exemption 7 Training - June 4, 2024
 - Virtual Exemption 4 and Exemption 5 Training - June 12, 2024
 - Virtual Privacy Considerations Training - July 9, 2024
 - Virtual Continuing FOIA Education Training - July 11, 2024
 - Virtual Annual FOIA Report Refresher and Quarterly Report Training - October 3, 2024
 - Virtual Chief FOIA Officer Report Refresher Training - October 16, 2024
 - Virtual Introduction to the Freedom of Information Act - November 6, 2024
 - Virtual Litigation Seminar - November 13, 2024
 - Virtual Procedural Requirements and Fees Training - December 4, 2024
 - Virtual Exemption 1 and Exemption 7 Training – December 11, 2024
 - Virtual Exemption 4 and Exemption 5 Training - January 15, 2025
 - Virtual Privacy Considerations Training - January 22, 2025
 - Virtual Administrative Appeals, FOIA Compliance, and Customer Service Training - January 29, 2025
 - Virtual Advanced Freedom of Information Act Training - February 5, 2024

- FCC-Specific FOIA Administration Platform Training

The FCC mandates an annual Records Management training course for all agency staff. The National Archives and Records Administration (NARA) also requires mandatory annual records management training for all agency personnel including federal employees, contractors, volunteers, and others that create, receive, access, or use Federal records on behalf of the agency. The course is offered by video on demand through the agency’s Intranet. The agency monitors completion of this mandatory training requirement.

FOIA training materials are widely available to all staff, including staff with FOIA responsibilities, on demand through the agency’s Intranet. Among these are Supporting FOIA materials from DOJ, including a copy of the Attorney General’s 2022 FOIA Guidelines; detailed information from the joint DOJ - FCC training held onsite several years ago; guidance on multi-track classification; the FOIA coordinator list for individual bureaus and offices; FCC FOIA Guide; as well as a detailed FOIA “Things to Remember” worksheet for issuing initial responses.

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.

All of the FCC’s FOIA professionals and staff with FOIA responsibilities attended at least one FOIA training session during the reporting period.

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.

Not applicable.

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?

The agency has ongoing efforts in both of these areas. The agency's internal and public FOIA webpages provide detailed information for employees who are not FOIA professionals but may need to provide records in response to a FOIA request, or who are otherwise incidentally involved in the FOIA process. For instance, the FCC's internal FOIA webpage provides contact information for staff FOIA experts in the agency's FOIA Service Center, OGC, and component bureaus and offices, as well as links to the FOIA training and materials described above that are available to all staff. As indicated above, the agency's OGC offers specialized FOIA training sessions to the bureaus and offices upon request.

OGC engages with agency senior leadership on a regular basis regarding FOIA responsibilities, including backlogs and other pending FOIA issues. In addition, the FOIA Service Center issued weekly reports to agency staff with FOIA responsibilities, and monthly reports to senior staff in the bureaus and offices, showing the status of pending FOIA requests throughout the reporting period.

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. The FOIA Service Center invites dialogue with any member of the requester community prior to filing and reaches out in appropriate cases to requesters after filing, to help the requester more reasonably describe and clarify the request. This consultation helps both to direct requesters to publicly-available records that can be accessed immediately and outside of the standard FOIA request process and to improve the efficient routing of FOIA requests once filed. Additionally, the FOIA Service Center engages in post-filing consultations in many cases where a request does not meet the requirements of a properly filed FOIA request.

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. It is standard practice for agency staff to contact requesters proactively to clarify or narrow the scope of complex or voluminous requests. In addition to reducing processing time, such outreach can serve to more clearly identify the records sought and to reduce processing fees. For example, in multiple cases during the reporting period staff contacted the requester and explained that materials publicly available on the Commission's website were responsive to the request and offered further assistance to locate the records, revise the request to identify additional records sought, or withdraw the request. In addition, as a result of the agency's outreach, the requesters in many instances

narrowed their requests by subject matter or time period or agreed to receive responsive records on a rolling basis.

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 estimate 45 occasions on which requesters sought assistance from the FOIA Public Liaison. These inquiries typically seek the status of a pending FOIA request or seek help utilizing databases and other information provided on the FCC's website. Such requests were promptly addressed, either directly by the FOIA Public Liaison or by routing to the appropriate bureau or office staff, who were asked to follow up with the FOIA Public Liaison when the request is resolved. (Note: This figure does not include multiple exchanges with an individual requester related to a single FOIA request.)

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 agency reviews its personnel resources on an ongoing basis to meet its program objectives, including FOIA. FOIA responsibilities are assigned to full-time FOIA staff, as well as to other staff, on an as-needed basis to meet variations in the FOIA workload. During the reporting period and as part of its overall workforce planning efforts, the agency successfully recruited professionals to its FOIA staff from both internal and external sources. Additionally, the agency is actively recruiting additional FOIA professionals in light of retirements and other departures.

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.

Weekly and monthly reporting on FOIA processing is an important best practice successfully implemented by the agency. The FOIA Service Center actively tracks individual FOIA requests and issues weekly informational reports to agency FOIA professionals showing FOIA requests that are backlogged, soon-to-be backlogged, or on hold, thus facilitating timely staff action and improving agency performance. The FOIA Service Center also circulates to senior staff in the Bureaus and Offices monthly reports showing the status of pending FOIA requests, ensuring appropriate oversight within each organizational unit.

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:

- 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?

The agency has implemented several of the Advisory Committee's recommendations and

continually assesses ways to improve its administration of the FOIA. For example, as described in greater depth elsewhere in this report, the agency publishes and proactively posts a significant volume of information on its website for the public's access outside of the FOIA process, which aligns with Advisory Committee recommendation 2020-15. As also noted, and consistent with Advisory Committee recommendation 2022-10, the agency plans to proactively and regularly post its FOIA logs in a searchable format.

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

Senior staff conduct continuous and comprehensive assessment of the agency's FOIA program and collaborate on ways to improve the agency's administration of the statute. During the reporting period, particular emphasis has been placed on improving e-discovery utilization and exploring methods to streamline the document review process, which will further enhance the already efficient and effective processing of FOIA requests by the agency.

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.

As an agency receiving fewer than 1,000 FOIA requests per year, the Commission informally identifies records that are required to be proactively disclosed and posts material proactively, often beyond the requirements of the statute. The Commission has adopted a three-pronged strategy on proactive disclosures. First, in accordance with the requirements of the FOIA Improvement Act of 2016, the agency posts in its electronic FOIA reading room records that have been requested three or more times. Second, and more broadly, the electronic FOIA reading room lists records disclosed in response to a FOIA request that the agency determines have become, or are likely to become, the subject of subsequent requests for substantially the same records. It is also the FCC's policy to post on its website any information that is of general interest to the public so long as no national security, law enforcement, legal, or privacy issues prohibit its dissemination. The inventory of website content disclosed pursuant to this policy is available online at <https://www.fcc.gov/general/website-inventory-priorities-and-schedules>

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

- If so, what information is contained in the logs?
- Are they posted in CSV format? If not, what format are they posted in?
- Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links.

While the agency does not presently post logs of its FOIA requests, it is actively working toward this goal.

3. Provide examples of any material that your agency has proactively disclosed during the past reporting

year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D).

FOIA Electronic Reading Room – The Commission maintains a webpage that, among other things, lists records disclosed in response to FOIA requests that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records. <https://www.fcc.gov/general/freedom-information-act-electronicreading-room>

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

Consistent with the FOIA, the agency posts frequently requested records to its electronic FOIA reading room: <https://www.fcc.gov/general/freedom-information-act-electronic-reading-room>.

In addition to frequently requested records, the agency’s electronic FOIA reading room provides links to other materials including, but not limited to, agency policy statements, administrative law judge adjudications, and resources related to agency rulemakings.

The response to the preceding question also provides links to additional agency webpages where material is routinely posted on a proactive basis.

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.

Yes, the FCC has a sustained focus on making proactive disclosures more useful and accessible.

The FCC’s policy on open data is showcased in an “Open Government at the FCC” webpage. The “Open Government at the FCC” webpage provides links, including: 1) FCC Open Data, enabling public innovation by publishing data underlying FCC regulatory proceedings and activities with a focus on improving quality, openness, accessibility and utility, including a link to several FCC datasets that can be downloaded; 2) FCC Developers Page, promoting the innovative application of FCC data by connecting developers with the tools they need to unlock government data, including a link to several FCC developer application programming interfaces; 3) FCC Digital Strategy, discussing the agency’s participation in federal cross-agency initiatives to increase data usability and consumption; 4) FCC Data and Information Officers, a roster of FCC staff members dedicated to providing data and information; and 5) FCC blog posts on open government. The webpage may be accessed at <https://www.fcc.gov/general/open-government-fcc>.

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. Proactive disclosures at the FCC involve a wide range of staff across its various component bureaus and offices. These staff routinely identify records for proactive disclosure consistent with standard FCC procedures and post material proactively beyond the requirements of the statute.

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

One best practice to highlight is the agency's efforts to increase public awareness of available information that the agency proactively discloses. The FCC participates in numerous social media and e-mail subscription services through which, among other things, it publicizes proactive disclosures for public awareness. These include Facebook, X, Instagram, YouTube, and others. For instance, the FCC maintains more than fifty RSS feeds, by which users can receive automatic updates covering actions by individual bureaus and offices and numerous types of FCC documents and databases. Users can also receive this information by email subscription.

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. During the reporting period, the agency devoted significant resources to reviewing its FOIA-related technological capabilities. To that end, agency FOIA and IT staff maintained an ongoing and substantive dialogue about current and prospective technological capabilities as applied to FOIA obligations. In addition, agency FOIA staff collaborated with inter-governmental colleagues on prospective technologies that may be utilized to enhance the effectiveness and efficiency of the agency's FOIA program.

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

On October 1, 2023, the agency transitioned to a more robust and integrated FOIA management system, ArkCase.

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.

FCC IT staff have access to Microsoft eDiscovery, a search tool for content in other MS programs, such as OneDrive, SharePoint, Teams, and Microsoft 365 Groups, which is used to support the FOIA program in select instances as IT resources permit. In addition, as noted above, the FCC transitioned to a more robust FOIA system at the beginning of FY 2024 featuring comprehensive document management capabilities, including automatic conversion to pdf format. Once fully optimized, the agency expects the new FOIA system to also support predictive coding and assisted review. Because some of these features are still being implemented, it is premature to quantify the time and financial resources that will be saved.

As previously reported, the agency's FOIA professionals are able to convert documents, emails, and other conventional digital materials to pdf format automatically using Adobe Acrobat Pro software. This software provides a full range of FOIA processing tools, including redaction marking and application, FOIA exemption labeling, and deduplication using character searches. The software also enables the agency to provide documents in digital form to requesters without the need to scan paper copies. For very large volume productions, the Commission has also used file

hosting services to provide records to requesters, rather than sending such records over multiple e-mails or on physical media.

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. The agency's FOIA website addresses the elements noted in the OIP 2017 guidance. As previously reported, there is a clear link to the agency's FOIA webpage, <https://www.fcc.gov/foia>, appended at the bottom of all FCC webpages. Additionally, the FOIA webpage can also be accessed directly from the OGC page on the FCC's website. The FOIA webpage includes, as recommended in the OIP guidance, links to: (i) the electronic FOIA reading room which provides easy access to proactive disclosures, among other things; (ii) instructions to the public on how to make a FOIA request or to contact the agency about an existing request; and (iii) the Commission's Annual FOIA Reports and Chief FOIA Officer Reports, among other reports. The agency's FOIA webpage also includes summary graphs of the annual and quarterly FOIA reports, the agency's FOIA reference guide and regulations, text of the FOIA, and the DOJ FOIA guide.

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.

Not applicable.

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.

The agency's FY 2023 Annual FOIA Report, and associated statistical data, can be found at <https://www.fcc.gov/reports-research/reports/annual-foia-reports/freedom-information-act-annual-report-fy-2023>. The agency's FY 2024 Annual FOIA Report and associated statistical data can be found at: <https://www.fcc.gov/reports-research/reports/annual-foia-reports/freedom-information-act-annual-report-fy-2024>.

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. As required under the FOIA Improvement Act of 2016, in May 2019, the agency submitted to DOJ its plan to meet the National FOIA Portal's interoperability requirement using FOIAonline. As previously noted, the agency transitioned to a new FOIA system, ArkCase, on October 1, 2023. This newly-implemented system fully integrates with FOIA.gov's National FOIA Portal.

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

For very large volume productions, the Commission has used file hosting services to provide records to requesters, rather than sending such records over multiple e-mails or on physical media. Additionally, FOIA staff have found that using targeted electronic searches, when appropriate, can result in a more effective and efficient process which ultimately benefits the requester.

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.

First-party requests for records may be made under the Privacy Act or the FOIA. For example, a party may request under either statute records of consumer complaints that they filed with the FCC regarding their phone or Internet service. Both FOIA and Privacy Act requests are processed in ArkCase.

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

In addition to posting records proactively, the FOIA Service Center and component bureau and office staff engage requesters and prospective requesters in order to immediately refer them to publicly-available sources for the information they seek, where such sources exist, and to clarify and refine their requests so as to facilitate more efficient access to government records, when appropriate.

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.

5.68 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.

Not applicable.

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

Yes. The agency's multi-track system consists of simple, complex, and expedited tracks.

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?

No, it was slightly higher at 23.60 days.

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

No. Given the significant increase in the number of requests the agency received during FY 2024, and complicated by limited resources, the agency's average processing time increased to 23.60 days in FY 2024.

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.

53.76% of requests processed by the FCC in FY 2024 were placed in the simple track, or 529 of 984 total requests processed.

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?

Not applicable.

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 agency reported a backlog of 49 requests at the close of FY 2024. It reported 35 backlogged requests at the end of FY 2023.

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. The agency processed 984 requests in FY 2024 which is nearly double the 535 requests it processed during FY 2023.

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 agency's FY 2024 backlog remains relatively low, especially as a percentage of initial FOIA requests. The agency, however, did experience some unique challenges and extraordinary demands on its resources in FY 2024. For example, the number of requests received by the agency in FY 2024 was nearly double the number received in FY 2023. Such a dramatic increase strained already limited staff resources and was further complicated by the loss of key staff members. In addition, many of the backlogged FOIA requests present complex issues or involve significant volumes of records for review and processing.

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."

The request backlog is 5.01%, or 49 of 977 incoming initial FOIA requests, a decrease from the 5.97% reported last year.

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?

No. The number of backlogged appeals remained consistent at 13.

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?

Yes, the FCC processed 17 appeals during FY 2024 and 11 appeals during FY 2023.

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

Not Applicable.

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."

92.85%. It should be noted that the appeals that are backlogged often involve complex issues and, in some cases, a high volume of records. While the agency generally endeavors to resolve appeals through settlement, some of the agency's backlogged will require resolution by the full Commission.

D. Backlog Reduction Plans

19. In the 2024 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 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?

Not applicable.

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.

Not applicable.

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. The agency did close seven of the ten oldest requests that were reported pending in the FY 2023 Annual FOIA Report.

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.

As noted above, the agency closed seven of the ten oldest requests that were reported pending in the FY 2023 Annual FOIA Report. The agency has since closed an additional two of the ten oldest pending requests that were reported in the FY 2023 Annual FOIA Report after the close of FY 2024 but during the reporting period.

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

During the reporting period, senior FOIA staff in OMD and OGC met regularly with senior bureau and office staff to discuss and resolve any backlogged FOIA requests. Senior agency FOIA staff have also employed proactive approaches to resolving backlogged requests, including engaging with requesters directly to facilitate dialogue regarding any backlogged requests and consolidating requests, if appropriate, to facilitate more efficient processing.

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?

No. The agency did close two of the ten oldest appeals that were reported pending in the FY 2023 Annual FOIA Report.

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.

As noted above, the agency closed two of the ten oldest appeals that were reported pending in the FY 2023 Annual FOIA Report during FY 2024.

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

As indicated earlier in this report, the agency's backlogged FOIA appeals generally present complex legal issues that are not easily resolvable. That aside, OGC has made reducing the agency's backlogged appeals a priority and is devoting additional resources to this effort, including reallocating additional staff to work on backlogged FOIA appeals. It should be noted, however, that unlike the vast majority of federal agencies, the Commission is statutorily limited in its ability to delegate the resolution of appeals to staff. Therefore, procedurally-sound FOIA appeals are addressed by the full Commission.

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?

Not applicable. The agency reported no pending consultations at the end of FY 2023.

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.

Not applicable.

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 ten oldest requests and appeals from FY 2024 generally involve complex issues or voluminous records. In addition, and as noted above, in contrast to agencies that may resolve appeals at the staff level, appeals of FCC decisions on initial FOIA requests, unless resolved informally or dismissed for procedural reasons, are considered and voted on by the full Commission. Senior FOIA staff in OMD and OGC have engaged, and continue to engage, with bureaus and offices to discuss plans and resources for addressing requests and appeals that are listed at the end of FY 2024 as the "ten oldest" or backlogged.

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

Eight FOIA requests were the subject of litigation during the reporting period, six of which originated from the same requester and generally covered overlapping subject matter. Generally, extensive FOIA litigation diverts limited FOIA staff time and resources, making it more difficult to address and process incoming FOIA requests. This results in slower response times overall and potentially adds to the agency's FOIA backlog.