

Chief of Freedom of Information Act (FOIA) Officer's Report 2025



This report is prepared for the Attorney General in compliance of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(j)(2)(D) (2018), about OPM's Chief FOIA Officer's performance in implementing the FOIA.

Table of Contents

Section I: FOIA Leadership and Applying the Presumption of Openness	2
A. Leadership Support for FOIA.....	2
B. Presumption of Openness.....	2
Section II: Ensuring Fair and Effective FOIA Administration.....	3
A. FOIA Training.....	3
B. Outreach	4
C. Other Initiatives	5
Section III: Proactive Disclosures.....	6
Section IV: Steps Take to Greater Utilize Technology	7
Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs.....	9
A. Remove Barriers to Access.....	9
B. Timeliness	9
C. Backlogs	10
Backlogged Requests	10
Backlogged Appeals	11
D. Backlog Reduction Plans	12
E. Reducing the Age of Requests, Appeals, and Consultations	12
Ten Oldest Requests	12
Ten Oldest Appeals.....	13
Ten Oldest Consultations.....	13
Additional Information Regarding Ten Oldest.....	13
F. Additional Information about FOIA Processing	14

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.

Chief FOIA Officer – Andrew R. Kloster, General Counsel

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?

At OPM, the Associate Directors and Office Heads have delegated authority from OPM's Director to make final determinations on initial requests concerning materials under the custody or control of their programs. In this manner, FOIA is incorporated into the mission of each OPM program.

B. Presumption of Openness

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

Yes.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a Glomar response. If your agency tracks Glomar responses, please provide:

- a) the number of times your agency issued a full or partial Glomar response (separate full and partial if possible);

OPM issued one full and one partial Glomar responses in the reporting year.

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

Exemption 6 – 2 times and Exemption 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.

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.

OPM's FOIA program professionals provided ad hoc training to OPM's FOIA points of contact at several program offices on the FOIA's procedural overview, the Department of Justice's guidance on final responses, and specific FOIA/PA exemptions.

In an effort to encourage participation in FOIA training, the FOIA Manager encourages OPM's FOIA professionals to attend training and regularly shares with OPM's FOIA professionals training opportunities offered by the Department of Justice and the American Society for Access Professionals.

2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?

Yes.

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

OPM's FOIA program professionals attended substantive FOIA training events virtually and in person. The virtual training events consisted of those presented by the Department of Justice; specifically: training on exemptions 1, 4, 5, and 7; Administrative Appeals, FOIA Compliance, and Customer Service Training; and Advanced FOIA Training. The FOIA Manager and the FOIA Intake Specialist attended the 2024 OPEXUS Annual Summit, which featured substantive training that included sessions on "Navigating New Frontiers in the FOIA Industry" and "strategies to Prevent Bottlenecks." Additionally, the FOIA Manager participated in the American Society of Access Professionals' National Training Conference and FOIA/Privacy Act Training Workshop.

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.

One hundred percent of OPM's FOIA program's professionals attended substantive FOIA training.

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?

OPM leadership is regularly briefed on the agency's FOIA statistics on requests received, closed, and pending. This contributes to both an agency-wide awareness of FOIA operations and program-specific awareness about requests pending action. The FOIA Manager also provided trainings to OPM senior leadership and to agency supervisors. OPM senior leaders were briefed on the agency's FOIA statistics, commonly requested types of agency records, and on proactive disclosure of information. OPM's supervisors received an introduction to the FOIA, including a procedural overview of the FOIA and its implementation at OPM.

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. OPM's FOIA program professionals proactively reach out to requesters from the time a request is received and in an ongoing manner, as necessary. This includes outreach at the time a request is received when it is not reasonably described, too broad, or requires clarification or additional information to be perfected, as well as when the results of a search require further narrowing of the scope. When a request is not reasonably described or is unclear, OPM's FOIA program professionals specifically identify those parts or aspects of the request that are deficient or unclear. They often consult with the relevant subject matter experts and record custodians to determine whether and to what extent OPM maintains the records sought to help the requester tailor the request or receive the most useful responses.

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.

OPM's FOIA program professionals have not engaged in outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding OPM's administration of the FOIA.

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).

OPM's FOIA Public Liaison has been contacted by requesters seeking assistance an estimated fifty times during the reporting period.

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. Given the unprecedented and substantial rise in the number of FOIA requests received during the reporting year and the increase in FOIA litigation, the FOIA program has determined that additional FOIA staff is needed to assist with the backlog and, potentially, with the demands of litigation. Additionally, resources for technology to assist the FOIA staff with the review process, to include deduplication of electronic records and redaction would be valuable assets. At the time of reporting, additional resources have not been allocated.

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.

Data on the number of requests received by agency offices and staff processing statistics were used to reallocate workloads among the FOIA staff. Because of the unprecedented and substantial rise in the number of FOIA requests received during the reporting year, however, to ensure the efficient management of OPM's FOIA workload, additional human resources and technological solutions will be necessary.

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?

Pursuant to Recommendation No. 2022-02 ("Agencies should report annually on agency use of "Neither Confirm Nor Deny"/Glomar responses.), during the reporting year, OPM began tracking its use of "Neither Confirm Nor Deny"/Glomar responses.

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

Section III: Proactive Disclosures

The Attorney General's 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.

During Fiscal Year 2024, OPM launched an enterprise-wide website and digital services modernization that aims to restructure OPM's content offerings to better serve the needs of its audiences instead of being largely organized around the various agency programs. Part of the goals of restructuring OPM's website are to respond to the needs of the public and offer tools that will make information intuitive, simple, useful, and accessible. To this end, content will be reorganized to share information, including that subject to (a)(2) proactive disclosures, in a centralized manner. The final iteration of the new website is expected to launch after the reporting period. The new version contains a webpage where all agency reports and publications are centrally posted.

With regard to FOIA records, OPM's FOIA program assigns each OPM office to a single FOIA Specialist who handles all requests seeking that office's records. Each analyst is, therefore, closely aware of the types of requests and records processed for their assigned offices. If records have been requested at least 3 times or are likely to be requested again, the FOIA Specialist flags records for potential posting to the FOIA Reading Room. Additionally, the FOIA program reviews the agency's FOIA logs on a quarterly basis to identify records for proactive disclosure.

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

OPM does not currently post logs of its FOIA requests. However, OPM discloses FOIA logs upon request.

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

Not applicable.

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

Not applicable.

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

FOIA logs are not currently posted, but if they were, they would be available from OPM's FOIA electronic reading room: <https://www.opm.gov/information-management/freedom-of-information-act/#url=Documents>.

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).

OPM periodically posts its reports to Congress regarding requests by agencies to appoint current or recent political appointees to covered permanent career positions. These reports are typically requested under the FOIA several times throughout a year and are now publicly available. Current reports are posted to OPM's new centralized webpage for "Reports and Publications." Earlier reports are posted to an archive that dates back to 2016 when OPM began reporting this information to Congress.

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

OPM's FOIA Public Reading room is available from the agency's FOIA website, at:

<https://www.opm.gov/information-management/freedom-of-information-act/#url=Documents>.

The Reading Room, however, was not updated during the reporting year.

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.

Not at this time.

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.

OPM's current proactive disclosure process does not require the intervention of agency staff outside the FOIA office. Future efforts at increased proactive disclosures may include collaboration with agency staff outside of the FOIA office for purposes of making material accessible and where possible offer diverse formats for certain records to be publicly posted.

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

Section IV: Steps Take 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 last reporting year, OPM identified the need for a solution to convert email and attachments to PDF in a collated manner was identified. OPM ultimately procured a software solution to address this need. OPM has also identified the need for additional technology solutions to assist with the deduplication, review, and redaction of records.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.
OPM did not begin using any new technology to support the FOIA program during the reporting period.
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.
OPM does not currently use any technology to automate record processing.
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?
OPM reviewed its FOIA website to confirm that it addresses the elements noted in the OIP's guidance and also identified areas of improvement to increase its helpfulness to the public.
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.
OPM has not posted the raw statistical data for Fiscal years 2023 and 2024. When published, the Fiscal Year 2023 raw data will be available at: <https://www.opm.gov/about-us/reports-publications/agency-archive/>, and the Fiscal Year 2024 raw data will be available at: <https://www.opm.gov/about-us/reports-publications/agency-reports/>.
8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?
Yes.
9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

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 FOIA process?

During the reporting period, OPM did not establish alternative means of access to first-party requested records.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

No.

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

During the reporting period, OPM did not take new steps to remove barriers to accessing government information.

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.

It took it took 1 day to adjudicate requests for expedited processing in Fiscal Year 2023.

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 2022 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.

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. The agency overall average number of days to process simple requests was 42.64 days.

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

It remained consistent with the previous Fiscal Years average processing time of 43 days.

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.

Eighty percent of requests processed by OPM in Fiscal Year 2023 were placed in the simple track.

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.

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

Yes.

13. If your agency's request backlog increased during Fiscal Year 2024, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests

Yes. The number of incoming requests grew significantly in Fiscal Year 2024. The submissions of requests in "bulk" by certain requesters via the National FOIA Portal with the assistance of AI-powered tools, such as bots, primarily accounted for the increase.

- A loss of staff

Yes, for part of the reporting period.

- 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)

Yes. OPM received more requests seeking email records, many of which are broad and yield voluminous results.

- Litigation

Yes. Five FOIA lawsuits were filed during the reporting period.

- Any other reasons – please briefly describe or provide examples when possible

OPM lacks technology to assist with the deduplication, review, and redaction of records. Given the increasing complexity, number, and nature of records requested, processing delays are inevitable.

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.”

Twenty-two percent of requests make up the backlog out of the total number of requests received by OPM in Fiscal Year 2024.

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 backlogged appeals increased from 7 to 10.

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.

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

Yes.

- A loss of staff

There was a shortage of trained personnel who handle appeals during the reporting period which contributed to processing delays. We note, however, that as of the date of this report, 9 out of the 10 backlogged appeals have been resolved and closed.

- 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)

This was not a major contributing factor to the appeals backlog.

- Litigation

This was not a major contributing factor in the appeals backlog.

- 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."

Out of the total number of appeals received by OPM in Fiscal Year 2023, one hundred and eleven percent make up the backlog. We note, however, that as of the date of this report, 9 out of 10 of the previously reported backlogged appeals have been resolved and closed.

D. Backlog Reduction Plans

19. In the 2024 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2023 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2023?

OPM did not have a backlog of over 1000 requests in Fiscal Year 2023 and did not implement a backlog reduction plan in Fiscal Year 2024.

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.

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

OPM was able to close eight of out the ten oldest pending perfected requests reported in Fiscal Year 2023.

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

Beyond working on the ten oldest requests, OPM prioritized closing requests pending for more than a fiscal year and simple requests. The FOIA specialists engaged closely with agency record custodians to ensure the scope of requests was reasonably described and to support search and

review efforts. They also conducted requester outreach to determine continued interest and to assist requesters in narrowing the scope of requests in an effort to expedite 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. However, 6 out of 8 of the oldest appeals reported in the 2023 Annual FOIA Report were closed during FY 2024. In addition, 9 out of 10 of the oldest appeals reported for FY 2024 have been closed as of the date of this 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 VI.C.(5) of your Fiscal Year 2024 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

In its Fiscal Year 2023 Annual FOIA Report, OPM reported eight pending appeals. In Fiscal Year 2024, OPM closed four of those appeals.

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 of the date of this report, 9 out of 10 of the oldest appeals reported for FY2024 have already been resolved and closed.

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?

Yes. OPM closed its ten oldest consultations; specifically, all three out of three.

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.

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.

OPM closed the single consultation request as well as most, but not all, of the ten oldest pending requests and appeals. The two initial requests among the ten oldest that were not closed in FY 2024 were broad and yielded voluminous records that significantly delayed processing. With regard to appeals, staffing shortages contributed to OPM’s inability to close all of the oldest pending appeals. During Fiscal Year 2025, OPM will evaluate available how to increase the efficiency of available resources to achieve closure of its ten oldest requests, appeals, and consultations.

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

An estimated 19 requests were the subject of 5 new lawsuits during the reporting period. These requests required, for the most part, numerous email searches that yielded voluminous records requiring review.

- Common causes leading to litigation

The cause that led to litigation was untimely initial responses.

- Any other information to illustrate the impact of litigation on your overall FOIA administration.

Litigation requires a substantial time commitment on OPM's FOIA staff, who review what are oftentimes voluminous search results without the aid of technology solutions. Consequently, an increase in litigation results in limiting the resources available to process initial requests in a timely manner, combined with the overall significant increase in requests received by OPM during the reporting period, impacts OPM's ability to process FOIA requests promptly.



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