

## National Endowment for the Humanities (NEH)

### 2022 Chief FOIA Officer Report

#### **Section 1: Steps Taken to Apply the Presumption of Openness**

The guiding principle underlying DOJ's [FOIA Guidelines](#) is the presumption of openness.

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

##### **A. FOIA Leadership**

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at this level?

**Yes.**

2. Please provide the name and title of your agency's Chief FOIA Officer.

**Adam Wolfson, Acting Chair**

##### **B. FOIA Training**

3. 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.

**Each year, NEH holds a mandatory "FOIA Refresher Training" for agency personnel with FOIA responsibilities, including all managers and supervisors. This training details NEH's FOIA policies and procedures and reinforces the agency's commitment to responding promptly and accurately to all FOIA requests. NEH also posts this training on its intranet site, so that all agency personnel may review it at any time.**

**In addition, NEH's FOIA professionals conduct one-on-one training verbally and in writing, as needed, to remind agency staff of their FOIA responsibilities and to answer specific FOIA-related questions. They also ensure that new supervisors are aware of and receive training about their FOIA responsibilities.**

**Finally, throughout the year NEH advises all staff members—including non-FOIA professionals—of the agency's FOIA obligations, by (a) repeatedly emphasizing, in both written and oral communications, that FOIA is everyone's responsibility; and (b) posting information about FOIA on the agency's intranet site.**

4. 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.**

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

**In October 2021 the agency's new attorney with FOIA responsibilities and the administrative assistant in NEH's Office of General Counsel (OGC) attended OIP's FOIA Training on Annual/Quarterly Reports and OIP's Training on the Chief FOIA Officer Report. They plan to attend additional FOIA training from OIP in January and February 2022. OGC's new attorney with FOIA responsibilities has also received substantive FOIA training from NEH since joining the agency in May 2021. Additionally, NEH regularly provides substantive training for its agency personnel who have FOIA responsibilities, as detailed in response to Question 1.B.3, above.**

6. 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.

**NEH expects that 100 percent of its FOIA professionals will attend substantive FOIA training during this reporting period. In addition, 100 percent of NEH staff with FOIA responsibilities have received such training during the reporting period or are expected to attend a mandatory virtual make-up session before the end of the reporting period.**

7. 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. NEH expects that 100 percent of its FOIA professionals will attend substantive FOIA training before the end of the reporting period.**

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

**NEH personnel with FOIA responsibilities expect to attend training in federal records management before the end of the reporting period.**

### **C. Outreach**

9. Did your FOIA professionals engage in any outreach or dialogue, outside the standard request process, with the requester community or open government groups regarding your administration of the FOIA? 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.

**No. NEH did not engage in any outreach or dialogue with the requestor community or open government groups regarding its administration of the FOIA.**

### **D. Other Initiatives**

10. 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?

**Throughout the year NEH advises all staff members—including non-FOIA professionals and senior staff—of the agency’s FOIA obligations, by (a) repeatedly emphasizing, in both written and oral communications, that FOIA is everyone’s responsibility; and (b) posting information about FOIA (including training materials) on the agency’s intranet site.**

11. 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.

**NEH is committed to applying the presumption of openness when it makes decisions about releasing agency records under the FOIA. For example, even when an agency record falls within one of the nine FOIA exemptions, NEH will only withhold the record if it is reasonably foreseeable that the disclosure would harm an interest protected by one of the exemptions. Also, NEH will segregate and release information not protected by one of the exemptions when a record contains both protected and unprotected information.**

**Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

DOJ’s [FOIA Guidelines](#) emphasize that “[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests.” It is essential that agencies effectively manage their FOIA program.

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

1. For Fiscal Year 2021, 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 2021 Annual FOIA Report.

**2.5 days.**

2. 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 2021 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. NEH’s average number of days to adjudicate requests for expedited processing was 2.5 days.**

3. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency’s plan to update your regulations?

**Yes. See 82 FR 44 (January 3, 2017).**

4. Standard Operating Procedures (SOPs) generally document your agency's internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's guidance, having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your agency have up-to-date internal SOPs for your FOIA administration?

**Yes. NEH reviews its SOPs when preparing the agency's Annual Report and updates them on an as needed basis.**

5. If not, please provide a timeline for when your agency plans to develop or update its SOPs.

**Not applicable.**

6. Has your agency established alternative means of access to first party requested records outside of the FOIA process?

**Yes.**

7. If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.

**NEH frequently receives first-party requests for peer-review evaluations of unsuccessful funding applications. The agency has already implemented a streamlined system for processing these requests, so that requestors typically receive the records they are seeking within a few days of submission.**

8. Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.

**Yes. NEH conducted an informal self-assessment during the reporting period; as part of this exercise, NEH's primary FOIA professional reviewed the agency's FY 2020 Annual Report data with the General Counsel and the Deputy General Counsel, and informally assessed NEH's current request- and appeal-processing procedures.**

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 FY 2021 (please provide a total number or an estimate of the number).

**No requestors sought assistance from NEH's FOIA Public Liaison during FY 2021. (NEH notifies requestors about the services provided by the agency's FOIA Public Liaison both on the agency website and in its individual response letters.)**

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

**Yes. NEH reviews its FOIA-related staffing capabilities each year when preparing the FOIA Annual Report and on an as needed basis.**

11. Optional -- Please describe:

- Best practices used to ensure that your FOIA system operates efficiently and effectively
- Any challenges your agency faces in this area

**NEH has been able to timely process most of the requests received during the COVID-19 pandemic due to the fact that most of the records sought were electronically available and the agency's FOIA professionals were able to review and redact the records while working remotely. In the few cases where the records were not electronically available (such as those located at an off-site storage facility that was closed due to the pandemic), or where a FOIA professional needed to travel into the office in order to prepare the records for release, NEH communicated directly with the requestors to inform them of the situation, and proactively sent regular updates to apprise them of the status of their requests.**

**In addition, once it became clear that the majority of NEH staff would be working remotely for an indefinite period of time, the agency posted a notice on its website notifying requestors that they may experience processing delays, and encouraging them to submit their requests electronically in order to reduce possible delays.**

### **Section III: Steps Taken to Increase Proactive Disclosures**

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

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

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

**By far, the majority of FOIA requests that NEH receives concern grant application materials. Most requestors are prospective NEH funding applicants who would like to see examples of what a successful application looks like. To that end, NEH maintains—and updated during the reporting period—an electronic library containing dozens of sample grant application narratives, which NEH FOIA professionals have reviewed and redacted, as appropriate.**

**Also, during the reporting period, NEH added a large volume of materials to its “digital repository,” a collection of archival records documenting NEH’s history and archives that is publicly available.**

**In addition, during the reporting period NEH posted on its website many of the records produced in response to a FOIA request (except, generally, those requesting first-party records or those concerning NEH’s Office of the Inspector General**

**investigations of named individuals), thereby ensuring that many disclosures released to an individual requestor are available to the public at large.**

2. 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). Please include links to these materials as well.

**During the reporting period, NEH posted proactive disclosures described in Question 1 above to NEH's sample grant electronic library (<https://www.neh.gov/about/foia/freedom-information-act-sample-grant-application-narratives>), NEH's digital library (<https://neh.dspacedirect.org/>), and NEH's FOIA response library page (<https://www.neh.gov/about/foia/responses>).**

**NEH did not have any records requested three or more times in accordance with 5 U.S.C. § 552(a)(2)(D).**

3. Does your agency disseminate common types of material outside of FOIA, including online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.

**Yes, NEH maintains a public digital library (<https://neh.dspacedirect.org>) of archival records documenting NEH's History. Additionally, the agency maintains and updates the NEH website (<https://www.neh.gov/about/budget-performance>) which contains current budget and administrative reports.**

**The agency also regularly uses social media platforms to further disseminate information about its programs and activities, to connect with people who are interested in the humanities, and to provide a place for the public to communicate and exchange ideas with those who are interested in the agency's work.**

4. 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?

**Yes.**

5. If yes, please provide examples of such improvements. In particular, please describe steps your agency 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.

**The vast majority of requests NEH receives are for successful grant applications. NEH posts these records to its website in PDF format, and labels these documents so that members of the public can easily locate a particular application by its title or by the grant program through which NEH made the award.**

**NEH also maintains a searchable database of every project it has funded, and the agency's recently updated website features improved layout and navigability as well as a refined "search" feature – all of which serve to make information about NEH and its activities more useful and accessible to the public.**

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside of the FOIA office? If so, describe this interaction.

**Yes. The NEH FOIA professionals routinely work with NEH's Office of Information Resources Management, the Office of Records Management, the Administrative Services Office, and Program staff to search for, collect, and post proactive disclosures to the NEH website.**

Optional -- Please describe:

- Best practices used to improve proactive disclosures
- Any challenges your agency faces in this area

**NEH routinely takes steps to increase proactive disclosures. For example, program officers in the various NEH divisions regularly select samples of grant application narratives from NEH-funded projects for posting on the NEH website alongside agency grant guidelines and in its electronic FOIA library. NEH also regularly releases financial reports concerning NEH's grant-making and budget; maintains a list of NEH credit card holders (which is frequently requested information); and publishes its complete staff directory on its website.**

**More generally, NEH maintains a detailed log of all requests the agency receives. This allows the agency to keep track of the number of times a particular record has been requested and to post it on the NEH website (if it has not already done so consistent with its other proactive disclosure procedures). Furthermore, NEH proactively posts on its website most records for which it is *likely* to receive three or more requests (such budget documents, the list of agency credit-card holders, and staff contact information), as well as the majority of the other records it has released pursuant to a FOIA request (such as successful grant applications and congressional correspondence).**

#### **Section IV: Steps Taken to Greater Utilize Technology**

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

**Yes, our agency reviews and updates its FOIA-related technological capabilities to respond to current and anticipated FOIA demands on an as-needed basis.**

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

**NEH did not use any new types of technology during this reporting period. NEH primarily uses Adobe Acrobat and its redacting tools to prepare responsive records, and it uses Microsoft Excel spreadsheets to track the status of each FOIA request. Additionally, NEH's FOIA professionals work closely with the agency's Office of Information Resources Management (OIRM) to conduct efficient searches for responsive emails in Microsoft Outlook and other information stored in the agency's**

**electronic databases. OIRM staff are skilled at performing Boolean searches in order to produce efficient yet comprehensive search results; they are also deeply familiar with and proficient at extracting information from NEH's electronic databases.**

3. 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.**

4. Did all four of your agency's quarterly reports for Fiscal Year 2021 appear on your agency's website and on FOIA.gov?

**Yes, in line with the new guidance posted by OIP on October 4, 2021, NEH posted the first, second, and third FY 2021 FOIA Quarterly reports to NEH's website and submitted the fourth FY 2021 FOIA Quarterly report to FOIA.gov without posting on NEH's website. See <https://www.neh.gov/foia/quarterly>. All four quarterly reports for FY 2021 appear on the FOIA.gov website.**

5. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2022.

**NEH successfully posted all four quarterly reports for FY 2021 with information appearing on FOIA.gov.**

6. 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 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 Annual FOIA Report.

**This information is available at: <https://www.neh.gov/about/foia>.**

7. Optional -- Please describe:

- Best practices used in greater utilizing technology
- Any challenges your agency faces in this area

### **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's FY 2020 and 2021 Annual FOIA Reports.

#### **A. Simple Track**



Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

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

**Yes.**

2. 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 2021?

**Yes.**

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 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.

**Sixty-two percent.**

4. 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. NEH uses a separate track for simple requests.**

## **B. Backlogs**

When answering these questions, please refer to your Fiscal Year 2021 Annual FOIA Report, Sections XII.D-E, which compare the numbers of requests and appeals received, processed, and backlogged between Fiscal Years 2020 and 2021.

### **BACKLOGGED REQUESTS**

5. If your agency had a backlog of requests at the close of Fiscal Year 2021, 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 2020?

**Yes. NEH had four backlogged requests at the end of FY 2020, and zero backlogged requests at the end of FY 2021.**

6. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?

**Not applicable.**

7. If your agency's request backlog increased during Fiscal Year 2021, 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.
- Impact of COVID-19 and workplace and safety precautions.
- Any other reasons – please briefly describe or provide examples when possible.

**Not applicable.**

8. 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 2021. 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.”

**Not applicable.**

### **BACKLOGGED APPEALS**

9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, 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 2020?

**Not applicable. NEH did not have any backlogged appeals at the end of either FY 2021 or FY 2020.**

10. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?

**Not applicable. NEH did not have any backlogged appeals at the end of either FY 2021 or FY 2020.**

11. If your agency’s appeal backlog increased during Fiscal Year 2021, 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.
- Impact of COVID-19 and workplace safety precautions.
- Any other reasons – please briefly describe or provide examples when possible.

**Not applicable. NEH did not have any backlogged appeals at the end of either FY 2021 or FY 2020.**

12. 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 2021. 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 2021 and/or has no appeal backlog, please answer with "N/A."

**Not applicable. NEH did not have any backlogged appeals at the end of FY 2021.**

### **C. Backlog Reduction Plans**

13. In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2020 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 2021?

**Not applicable. NEH did not have any backlogged requests at the end of FY 2020.**

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, please explain your agency's plan to reduce this backlog during Fiscal Year 2022. In particular, please also detail how your agency developed and plans to execute your backlog reduction plans.

**Not applicable. NEH did not have a backlog of more than 1,000 requests at the end of FY 2021.**

### **D. Status of Oldest Requests, Appeals, and Consultations**

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2020 and Fiscal Year 2021 when completing this section of your Chief FOIA Officer Report.

#### **OLDEST REQUESTS**

15. In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2020 Annual FOIA Report?

**Yes.**

16. 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 2020 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

**Not applicable. In FY 2021, NEH closed all seven requests pending at the end of FY 2020.**

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

**NEH had only seven pending requests at the end of FY 2020: two simple track requests, which it processed within 20 working days, and five complex track requests. NEH processed the first complex track request in 21 working days, the second in 27 working days, the third in 69 working days, the fourth in 78 working days, and the fifth in 128 working days.**

**Regarding the complex requests, in two cases, the agency was unable to retrieve the requested records because they were located at an off-site storage facility that was, at the time, closed due to the COVID-19 pandemic. The facility has since resumed limited operations, and NEH has responded to those requests. A third request was backlogged due to technical difficulties (exacerbated by the pandemic) in accessing the results of a**

**very broad search request that generated many thousands of old emails stored in NEH's backup system. NEH has since responded to that request. Finally, the fourth and fifth requests were backlogged for under 10 days each, due to their complexity.**

#### **TEN OLDEST APPEALS**

18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5. of your Fiscal Year 2020 Annual FOIA Report?

**NEH did not have any pending appeals at the end of FY 2020.**

19. 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 2020 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

**Not applicable. NEH did not have any pending appeals at the end of FY 2020.**

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

**Not applicable. NEH did not have any pending appeals at the end of FY 2020.**

#### **TEN OLDEST CONSULTATIONS**

21. In Fiscal Year 2021, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report?

**NEH did not have any pending consultations at the end of FY 2020.**

22. 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 2020 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

**Not applicable. NEH did not have any pending consultations at the end of FY 2020.**

#### **E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans**

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020.

**NEH did not encounter any obstacles in closing its pending requests from FY 2020, and it did not have any pending appeals or consultations at the end of FY 2020.**

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

**Not applicable. NEH did not encounter any obstacles in closing its pending requests from FY 2020.**

25. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2022.

**Not applicable. NEH closed its seven pending requests from FY 2020 during FY 2021.**

#### **F. Success Stories**

Out of all the activities undertaken by your agency since March 2021 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas, but should not be something that you have reported in a prior year. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- **NEH welcomed and trained a new attorney who assumed FOIA responsibilities during the reporting period.**
- **The number of days to adjudicate requests for expedited processing decreased from 3.5 days in FY 2020 to 2.5 days in FY 2021.**
- **Despite disruptions caused by the COVID-19 pandemic and the fact that FOIA staff are working remotely, NEH’s average processing time for its simple requests was under 14 days.**
- **NEH expects that 100 percent of its personnel with FOIA responsibilities will receive substantive FOIA training within the reporting period.**