

**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**

**Chief FOIA Officer Report**



**Office of Support Operations**

**March 10, 2021**

## High-Volume Agencies Receiving More Than 50 Requests in FY19

### Content of 2021 Chief FOIA Officer Reports

#### Section I: 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.

Olivier Girod, Acting Director, Office of Support Operations.

##### **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.

The FOIA Office organizes in-house training each year on emerging issues and refresher topics. In addition, full-time FOIA staff are encouraged to attend outside training, such as that offered by the Department of Justice and the American Society of Access Professionals.

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.

Within the reporting period, SEC FOIA professionals attended training that included the following

- Artificial Intelligence 101 – presented by the Chief FOIA Officer Council Technology Committee;
- OIP’s Best Practices Workshop on Technology;
- Department of Justice Virtual Litigation Workshop;
- AINS Virtual FOIA User Group Conference;
- In-house training on FOIA issues germane to specific SEC program and regional offices at their request;
- In-house training focusing on protecting whistleblower information;
- In-house training focusing on FOIA Exemption 4 and the submitter notice process, how to handle referrals and consultations, and updates to internal procedures.

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.

100% of the SEC’s full-time FOIA staff attended substantive FOIA training.

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.

N/A

### **C. Outreach**

8. Did your FOIA professionals engage in any outreach or dialogue 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.

Throughout the reporting period, the Office of FOIA Services (OFS) staff regularly engaged the SEC FOIA requester community in order to better understand their requests and to assist in timely processing. In March 2020 OFS’s outreach efforts and interactions with its requester community increased due to the challenges presented by COVID-19. These interactions with requesters provided insight into their priorities so that responses could be tailored to best suit their needs. Examples of such interactions with the FOIA community included:

- The SEC met with a high volume requester to discuss its requests that were impacted by COVID and to develop processing solutions to meet their needs.
- Updates were posted on the SEC website notifying requesters of the potential for delays, ongoing limited access to requests and appeals submitted by physical mail and facsimile, and requesting that requests be submitted electronically when possible.
- An SEC staff member completed serving a term on the FOIA Advisory Committee, which is designed to foster dialog with the requester community and thereby improve FOIA administration. Apart from federal employees, the committee is comprised of non-governmental FOIA advocates and academics.

#### **D. Other Initiatives**

9. 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.

SEC FOIA liaisons within the components of the SEC are required to annually review the SEC's "FOIA and Privacy Act Request Processing Guidance for Liaisons." This guidance is posted to the SEC's intranet and describes the basic processes and procedures for FOIA liaisons and other SEC staff so that they might better assist the FOIA office in processing requests. Revisions are periodically made to the guidance to address changing law and OIP guidance.

The SEC's intranet also provides links to the "DOJ Executive Briefing on the Freedom of Information Act" (<https://www.justice.gov/opa/video/department-justice-executive-briefing-freedom-information-act-foia>) and the DOJ OIP training page (<https://www.justice.gov/oip/training>).

SEC staff are encouraged to contact SEC FOIA Public Liaisons for any FOIA related issues or questions.

10. 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.

In recognition of "Sunshine Week" in March 2020, the Office of the Chairman issued a notice to all SEC staff which highlighted the importance of the FOIA and maintaining transparency and openness.

#### **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 describes your agency's efforts in this area.

1. For Fiscal Year 2020, 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 2020 Annual FOIA Report.

The average number of days for adjudicating requests for expedited processing was 4.12.

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 2020 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.

N/A

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc.

The SEC relies upon quality control metrics that are constantly monitored and assessed. These metrics allow for more timely responses to requests for expedition and fee waivers, monitoring the backlog, managing staff workflows, more efficient complex track processing, and making adjustments in resource allocation and staff utilization to increase and manage production. OFS generates monthly reports that include statistical analyses, which provide the ability to compare and contrast with prior reporting. The OFS management team continuously examines the FOIA process at the SEC to improve efficiency and to ensure compliance.

4. Standard Operating Procedures (SOPs): Having SOPs can improve the consistency and quality of an agency's FOIA process. In addition, describing an agency's standard practices for handling FOIA requests on agency FOIA websites can help requesters better understand how their request will be handled.

a) Does your agency have SOPs that outline general processes for handling FOIA requests and appeals?

Yes. The SEC maintains the “FOIA and Privacy Act Request Processing Guidance for Liaisons” referenced in Section I.D.9 above. Further, OFS creates Policy and Procedures Memoranda that address a wide array of topics pertaining to the processing of FOIA requests.

b) If not, does your agency have plans to create FOIA SOPs?

N/A

c) If yes, how often are they reviewed/updated to account for changes in law, best practices, and technology?

SEC FOIA SOPs are reviewed on a consistent and on-going basis to ensure compliance with changes in law and OIP guidance.

d) In addition to having SOPs, does your agency post or otherwise describe your standard processes for handling requests on your website?

The SEC makes available on its website a FOIA Reference Guide which informs the public about the process involved in submitting a FOIA request.

5. 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 2020 (please provide a total number or an estimate of the number).

Although OFS does not track this information, it is estimated that contact with SEC FOIA Public Liaisons occurred on ten (10) or fewer occasions. OFS includes an addendum page to response letters which notifies requesters of OGIS’s dispute resolution services and the services provided by agency FOIA Public Liaisons. Additionally, SEC FOIA Professionals comprise the SEC’s FOIA Requester Service Center and routinely receive inquiries for assistance from requesters regarding their requests or the FOIA in general.

6. Does your agency frequently receive common categories of first-party requests? If so, please describe the types of requests and if your agency has explored establishing alternative means of access to these records outside of the FOIA process?

Approximately 1.2% of the requests received by the SEC in FY 2020 were first-party requests. These requests were processed under the Privacy Act and/or the FOIA.

7. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. 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?

The SEC has updated its FOIA regulations in compliance with the FOIA Improvement Act of 2016.

8. Please explain how your agency worked to mitigate the impact of the COVID-19 pandemic on FOIA processing. Examples could include, but are not limited to: altering workflows, implementing new technology, providing notices and instructions or otherwise communicating directly with requesters.

In response to the COVID-19 pandemic, the SEC has observed the OIP guidance issued on May 28, 2020: “Guidance for Agency FOIA Administration in Light of COVID-19 Impacts.” OFS has posted notices on our website to inform the public of our limited access to requests and appeals submitted by postal mail and facsimile. Although the SEC has been in a mandatory telework posture since March 16, 2020, OFS has developed procedures to ensure that postal mail and facsimiles are routinely sorted and reviewed. Detailed instructions have been provided on our website to explain the new options available to the public.

In letters responding to FOIA requests for certain types of records, requesters have been notified that we are experiencing an ongoing, temporary impact to some of our normal operations, and that our responses to requests asking for such records may be delayed. Direct communication with requesters is frequently exercised in order to keep them updated on the status of requests.

In light of the current outbreak, OFS has also implemented a process that allows for email submission of SEC Rule 83 confidential treatment requests. These requests were previously only accepted via postal mail and facsimile.

9. Optional -- Please describe:

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

### **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. 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 the SEC proactively posted records to OFS's Frequently Requested Documents webpage at <https://www.sec.gov/foia-frequently-requested-documents>. Records requested three or more times can also be found here. The following are examples of records proactively posted on the OFS website:

[SEC Credit Card Holders and Approving Officials](#)

[FOIA Requests for The We Company \(PDF\)](#)

[Information About Registered Investment Advisers and Exempt Reporting Advisers](#)

[Company Information About Active Broker-Dealers](#)

[Information About Registered Municipal Advisors](#)

[Fails-to-Deliver Data](#)

Additional proactive disclosures are posted by the SEC at <https://www.sec.gov/open>. A sample of the records posted there follows:

High-value data sets

[Money Market Fund Information](#)

[Closed-End Fund Information](#)

[Business Development Company Report](#)

Records and Reports

[Agency Financial Reports](#)

[Reports on Equal Employment Opportunity Programs](#)

The SEC also posts specialized data in forms most helpful to the individuals who regularly access its website. This data includes records on the SEC's Division of Economic and Risk Analysis webpage at <https://www.sec.gov/dera/data>, which offers investors and market participants access to aggregated data from filings for research and analysis. The SEC's Division of Investment Management's Analytics Office makes similar records available at <https://www.sec.gov/investment/analytics-office>.

2. 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.

3. 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 SEC regularly updates a log of additions to the website, which keeps visitors apprised of new information (<http://www.sec.gov/news/whatsnew/wn-today.shtml>). The SEC has a separate web page where high value data sets are available. <https://www.sec.gov/data>. Descriptions of the most recently published data sets can be found on the SEC's main web page. Individuals may sign up to receive SEC email updates as well. The SEC also has a form available on its website for the public to provide feedback and suggestions.

In promoting proactive disclosures, the SEC's FOIA webpage includes a "What's New" section that lists the five most recent postings to the FOIA page. Additionally, FOIA logs are posted quarterly. Many divisions and offices within the SEC make records available on their specific page of the SEC's website. Some divisions and offices maintain a separate space for newly available and/or frequently requested records.

4. Optional -- Please describe:

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

#### **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 describes your agency's efforts in this area.

1. Please briefly describe the types of technology your agency uses to support your FOIA program. In addition, please highlight if your agency is leveraging or exploring any new technology that you have not previously reported. If so, please describe the type of technology.

The OFS utilizes FOIAXpress, an electronic document management and tracking system that allows staff to store and review records and process FOIA requests. For new FOIA requests, searches of FOIAXpress can locate prior FOIA requests for the same records. All SEC databases are subject to FOIA searches. SEC staff search the appropriate database(s), including internal and external websites, to determine the existence of responsive records. Staff will also conduct generalized internet searches to determine the public availability of responsive records. This may include searches of LexisNexis and PACER, as necessary. All searches are conducted using the subject of the FOIA request or other key terms that might

reasonably determine if any responsive records exist. Where there is uncertainty, key words are obtained by coordinating with the requester.

The OFS website is consistently updated to make it easier for the public to submit FOIA and Privacy Act requests and appeals with online request forms.

2. 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.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2020?

Yes. All quarterly reports were posted to the SEC website at <https://www.sec.gov/foia/foia-reports.shtml#quarterly>. Only 3 of the 4 quarterly reports appeared on FOIA.gov.

4. 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 2021.

Due to a technical error, the SEC's Q4 report was unavailable to FOIA.gov. Upon posting quarterly reports in the future, the SEC will verify subsequent availability on FOIA.gov.

5. 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 2019 Annual FOIA Report and, if available, for your agency's Fiscal Year 2020 Annual FOIA Report.

[FY 2019 SEC FOIA Annual Report Raw Data](#). FY 2020 data will be available shortly.

6. 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 2019 and 2020 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 2020?

Yes.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2020 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.

99.8% of the requests processed by the SEC in Fiscal Year 2020 were placed in the simple track.

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?

Simple track requests were processed in an average of 13.79 days.

### **B. Backlogs**

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

## BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2020, according to Annual FOIA Report Section XII.A, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

Yes. The SEC's backlog decreased from FY 2019 to FY 2020.

6. If not, according to Annual FOIA Report Section V.A, did your agency process more requests during Fiscal Year 2020 than it did during Fiscal Year 2019?

N/A

7. If your agency's request backlog increased during Fiscal Year 2020, 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.
- Any other reasons – please briefly describe or provide examples when possible.

N/A

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 2020. 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. If your agency has no request backlog, please answer with "N/A."

The percentage of requests that made up the backlog out of the total number of requests received by the SEC in FY 2020 was 1.38%.

## BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2020, according to Section XII.A of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

The SEC did not have a backlog of appeals at the close of FY 2020. This is a decrease compared with the backlog reported at the end of FY 2019, which was 4 appeals.

10. If not, according to section VI.A of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2020 than it did during Fiscal Year 2019?

Yes. The SEC processed more appeals in FY 2020 (599) than in FY 2019 (587).

11. If your agency's appeal backlog increased during Fiscal Year 2020, 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.
- Any other reasons – please briefly describe or provide examples when possible.

The SEC's appeal backlog decreased in 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 2020. 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. If your agency did not receive any appeals in Fiscal Year 2020 and/or has no appeal backlog, please answer with "N/A."

N/A

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

13. In the 2020 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2019 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 2020?

N/A

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2020, please explain your agency's plan to reduce this backlog during Fiscal Year 2021.

N/A

#### **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 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

#### **OLDEST REQUESTS**

15. In Fiscal Year 2020, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2019 Annual FOIA Report?

No.

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 2019 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

The SEC closed six (6) of its ten oldest requests.

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

In order to reduce the overall age of pending requests, OFS follows best practices that include emphasizing consistent and meaningful communication with requesters, conducting regular training of FOIA and non-FOIA staff, and attempting to maintain a high degree of employee satisfaction.

#### **TEN OLDEST APPEALS**

18. In Fiscal Year 2020, did your agency close the ten oldest appeals that were reported pending in Section VII.C.5. of your Fiscal Year 2019 Annual FOIA Report?

Yes.

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 VII.C.(5) of your Fiscal Year 2019 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

N/A

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

The SEC's Office of the General Counsel (OGC) processes all FOIA appeals. Adjudicating appeals can present complex issues that require further consultation with staff in other divisions and offices and review of voluminous documents. To reduce the overall age of pending appeals, OGC observes the best practices emphasized by OFS, which are articulated in Section V.D., Question 17.

### **TEN OLDEST CONSULTATIONS**

21. In Fiscal Year 2020, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2019 Annual FOIA Report?

N/A

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 2019 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

N/A

### **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 2019.

The SEC closed six (6) of its ten oldest pending perfected requests in Fiscal Year 2020. Time lost because of the COVID-19 pandemic, staff attrition, and an increase in the complexity of the requests received prevented OFS from closing its ten oldest requests. Since the beginning of Fiscal Year 2021, the SEC has closed two (2) more of the ten oldest pending requests. This is reflected in the SEC's FY21 Q1 Quarterly FOIA Report.

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.

N/A

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 2021.

The SEC plans to adhere to its best practices as described in response to Section V.D., Question 17.

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

Out of all the activities undertaken by your agency since March 2020 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, OIP will highlight these agency success stories during Sunshine Week. 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.

As the result of an unprecedented year in FOIA administration due to the COVID-19 pandemic, the SEC rose to the many challenges presented in adapting to the new environmental norm through agile and progressive methods.

- As an agency leader in FOIA administration, the SEC immediately converted all FOIA personnel to full-time telework schedules, which required implementation and adaptation of technology platforms for processing requests.
- All workflows were converted to virtual processes, and measures were implemented to ensure any requests and/or correspondence submitted to the SEC through standard mail services would be timely and efficiently processed.
- The SEC developed new methodologies for receiving, monitoring and tracking requests, managing workflows, and communicating with requesters.
- Several notices were placed on the SEC’s website, including a notification of possible delays in responding to requests, and links to electronically designated mailboxes for submitting requests and appeals.
- Processes were streamlined for submitters of confidential treatment requests. These requests were previously required to be submitted through standard mail services. The SEC created a new electronic mailbox to allow for electronic submission.

Despite the many challenges presented this past year from the COVID-19 pandemic, which required fundamental changes to traditional worksites, utilization of new technologies, and adaptation of workflow methodologies, the SEC achieved record success with continuing to maintain a high processing rate and a standard of excellence in FOIA administration.