



Advisory Council on Historic Preservation
2026 Chief FOIA Officer Report to Attorney General
(March 2025 – March 2026)

Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Department of Justice’s (DOJ) 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 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.

Kelly Fanizzo, 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?

The ACHP emphasizes public disclosure and engagement in fulfilling its core duties and in its administration of Section 106 of the National Historic Preservation Act (NHPA) (52 U.S.C. §§ 304102, 306108). The ACHP’s regulations implementing Section 106 (36 CFR Part 800) direct agencies to provide adequate documentation to interested parties and members of the public throughout the Section 106 review process. Additionally, the ACHP maintains many frequently requested publications and Section 106 program alternatives on its website (www.achp.gov). The ACHP may review and propose updates to its FOIA regulations and FOIA operating procedures.

B. Presumption of Openness

4. DOJ'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?

No. Due to an internal oversight, the ACHP did not confirm in response letters to FOIA requesters that it considered the foreseeable harm standard when reviewing records and applying FOIA exemptions during Fiscal Year 2025. The ACHP is now providing such confirmation in its response letters.

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

- the number of times your agency issued a full or partial *Glomar* response during Fiscal Year (FY) 2025 (please separate full and partial *Glomar* responses if possible);
- the number of times a *Glomar* response was issued by exemption during FY 2025 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

The ACHP issued no Glomar responses during Fiscal Year 2025.

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.

N/A.

Section II: Ensuring Fair and Effective FOIA Administration

DOJ'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.” DOJ 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.

All new entrants to the ACHP attend records management training. This training instructs new entrants on their obligations under the Federal Records Act (FRA) and FOIA. All ACHP employees review this information as part of the ACHP's annual records training. The ACHP's FOIA professionals (i.e., the ACHP's Chief FOIA Officer and the attorney(s) in the Office of General Counsel) regularly inform the ACHP's non-FOIA professionals about their FOIA obligations and provide updates and information on the FOIA process. Given the ACHP's small size, the ACHP's Office of General Counsel provides targeted training and legal advice as needed to all the ACHP staff who help process incoming FOIA requests and consultations.

The ACHP's Chief FOIA Officer encourages the attorney(s) in the Office of General Counsel to attend trainings and review guidance offered by the Department of Justice's Office of Information Policy (OIP).

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

Yes. The ACHP is a micro-agency without a separate FOIA office or dedicated FOIA personnel. The ACHP's Office of General Counsel handles FOIA responsibilities among its other duties. During the reporting period, three attorneys and one staff member (Government Information Specialist) in the Office of General Counsel had designated FOIA responsibilities. Due to a major agency reorganization and Reductions in Force (RIF) during the reporting period, one attorney (retirement effective May 2025) and the Government Information Specialist (RIF effective September 30, 2025) did not provide any records of attendance of substantive FOIA training. One attorney (fulfilling FOIA responsibilities) in the Office of General Counsel did attend substantive training.

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

Department of Justice, OIP, Applying Exemption 4 and Exemption 5.

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.

25%.

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.

Both the ACHP’s Chief FOIA Officer and the attorney(s) in the Office of General Counsel will strive to complete OIP-offered substantive FOIA training during the next reporting period.

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.

All new entrants to the ACHP attend records management training. This training instructs new entrants on their obligations under the Federal Records Act (FRA) and on FOIA. All ACHP employees review this information as part of the ACHP’s annual records training. The ACHP’s FOIA professionals (i.e., the ACHP’s Chief FOIA Officer and attorney(s) in the Office of General Counsel) regularly inform the ACHP’s non-FOIA professionals about their FOIA obligations and provide updates and information on the FOIA process. Given the ACHP’s small size, the ACHP’s Office of General Counsel provides targeted training and legal advice as needed to all the ACHP staff who help process incoming FOIA requests and consultations.

The ACHP’s Chief FOIA Officer encourages the attorney(s) in the Office of General Counsel to attend trainings and review guidance offered by the Department of Justice’s OIP.

B. Outreach

7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue and, if applicable, any specific examples.

Yes. The ACHP reaches out to 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. The ACHP did not respond to any complex or voluminous requests during Fiscal Year 2025.

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.

No.

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 2025 (please provide a total number or an estimate of the number for the agency overall).

The ACHP does not have records of the number of times requesters sought assistance from the ACHP's former Chief FOIA Officer (retirement effective May 2025) or Government Information Specialist (RIF effective September 30, 2025) during Fiscal Year 2025. The current Chief FOIA Officer and attorney(s) in the Office of General Counsel did not receive any requests for assistance between May 2025 and the end of Fiscal Year 2025. The ACHP is tracking these requests for Fiscal Year 2026.

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. During Fiscal Year 2025, the ACHP continued to employ one full-time employee as a Government Information Specialist to assist with processing FOIA requests and appeals. Since that time, the ACHP has completed a Reduction In Force (RIF) and that employee is no longer with the ACHP (RIF effective September 30, 2025). Currently, FOIA responsibilities are handled by the ACHP's Chief FOIA Officer and the attorney(s) in the Office of General Counsel.

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.

The ACHP uses Microsoft Excel to track and monitor the agency's FOIA workload. The ACHP uses this tool to generate statistical information, including lists of open cases sorted by date of receipt; lists of complex, simple, or expedited cases; and timelines of cases closed by disposition. The ACHP also uses this tool to manage workflow and identify trends.

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

N/A.

Section III: Proactive Disclosures

DOJ's 2022 FOIA Guidelines emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."

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

The ACHP's FOIA professionals (i.e., Chief FOIA Officer and attorney(s) in the Office of General Counsel) handling FOIA responsibilities meet as needed with other agency program offices to consider proactively disclosing FOIA productions and other agency documents that may be of public interest.

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

No.

If so, what information is contained in the logs?

N/A.

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

N/A.

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

N/A.

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).

The ACHP did not post any (a)(2) proactive disclosures during the reporting period.

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

N/A.

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 your agency is not taking steps to make posted information more useful, please explain why.

No.

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

Yes. The ACHP's Office of General Counsel (fulfilling FOIA responsibilities) works regularly with the other agency program offices to collaborate on proactively disclosing agency documents that may be of public interest.

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

N/A.

Section IV: Steps Taken to Make Better Use of Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. DOJ'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.

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

The ACHP did not use any new types of technology to support the ACHP's FOIA program during Fiscal Year 2025.

3. Does your agency currently use any technology to automate request intake, customer service, or record processing? For example, does your agency use artificial intelligence or other 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.

No. The ACHP is a micro-agency with very limited budgeting and staffing resources. The ACHP does not have software (e.g., NUIX Discover or other electronic discovery tools) or other technology to conduct FOIA record searches. The ACHP relies on manual searches to identify records. The ACHP uses Adobe Acrobat Pro to make redactions.

4. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes.

5. Did all four of your agency's quarterly reports for Fiscal Year 2025 appear on FOIA.gov?

No.

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 2026.

Due to an internal oversight, the ACHP did not complete quarterly reports for Fiscal Year 2025. The ACHP will complete and post quarterly reports in Fiscal Year 2026 on FOIA.gov.

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 2024 Annual FOIA Report and, if available, for your agency's Fiscal Year 2025 Annual FOIA Report.

The ACHP's FOIA Annual Reports are posted at <https://www.achp.gov/ACHP-FOIA-Annual-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 your agency best practices in better utilizing technology and any challenges your agency faces in this area.

As noted above, the ACHP is a micro-agency with very limited staffing and budgetary resources.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

DOJ'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 for any categories of first-party requested records, outside of the typical FOIA or Privacy Act process?

Yes.

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

The ACHP regularly provides records of completed and ongoing Section 106 reviews to members of the public when informally requested. For example, when requested, the ACHP staff will provide copies of executed Section 106 agreement documents to members of the public.

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

The ACHP continuously strives to provide records requested under FOIA. The ACHP is currently evaluating the agency's FOIA processing and reporting practices to address extended response delays and make the process more streamlined and less burdensome on requesters.

B. Timeliness

4. For Fiscal Year 2025, 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 2025 Annual FOIA Report.

N/A.

5. If your agency's average number of days to adjudicate requests for expedited processing was more than ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2025 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.

Due to an internal oversight, the ACHP did not adjudicate requests for expedited processing in Fiscal Year 2025. The ACHP now includes a notice of its adjudication of a request for expedited processing in its acknowledgment of receipt of a FOIA request.

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 2025?

No. For Fiscal Year 2025, the average number of days to process simple requests was 72.2 days.

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

Yes. For Fiscal Year 2024, the average number of days to process simple requests was 75 days.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2025 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.

69%.

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?

N/A.

C. Backlogs

Backlogged Requests

11. If your agency had a backlog of requests at the close of Fiscal Year 2025, 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 2024?

No. The backlog reported at the end of Fiscal Year 2024 was 120 requests. The backlog reported at the end of Fiscal Year 2025 was 184.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2025 than it did during Fiscal Year 2024?

No. Following staffing reductions, the ACHP was only able to verify the completion of 13 requests during Fiscal Year 2025.

13. If your agency's request backlog increased during Fiscal Year 2025, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests
- A loss of staff
- An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

The ACHP continued to receive a higher number of requests in Fiscal Year 2025 (140) without a corresponding increase in staff or availability of technology to automate record processing. The ACHP also experienced a loss of staff responsible for fulfilling the agency's FOIA responsibilities with the retirement of its former Chief FOIA Officer (retirement effective May 2025).

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 2025. 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."

131%.

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2025, 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 2024?

N/A.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2025 than it did during Fiscal Year 2024?

N/A.

17. If your agency's appeal backlog increased during Fiscal Year 2025, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals
- A loss of staff
- An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

N/A.

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 2025. 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 2025 and/or has no appeal backlog, please answer with "N/A."

N/A.

D. Backlog Reduction Plans

19. In the 2025 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2024 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 2025?

N/A.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2025, please explain your agency's plan to reduce this backlog during Fiscal Year 2026.

N/A.

E. Reducing the Age of Requests, Appeals, and Consultations Ten Oldest Requests

21. In Fiscal Year 2025, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2024 Annual FOIA Report?

Following staffing reductions, the ACHP was unable to confirm which ten perfected requests were reported as the ten oldest pending perfected requests in Section VII.E of the ACHP's Annual FOIA Report for Fiscal Year 2024.

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 2025 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Following staffing reductions, the ACHP was unable to confirm which ten perfected requests were reported as the ten oldest pending perfected requests in Section VII.E of the ACHP's Annual FOIA Report for Fiscal Year 2024.

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

During the reporting period, the ACHP continued to employ one full-time employee as a Government Information Specialist to process FOIA requests. The ACHP focused on addressing older requests in the order in which they were received. Since that time, the ACHP has completed a Reduction In Force (RIF) and that employee is no longer with the ACHP (RIF effective September 30, 2025).

Ten Oldest Appeals

24. In Fiscal Year 2025, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2024 Annual FOIA Report?

N/A.

25. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2024 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A.

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

N/A.

Ten Oldest Consultations

27. In Fiscal Year 2025, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2024 Annual FOIA Report?

In validating its data for the ACHP's Annual FOIA Report for Fiscal Year 2025, the ACHP identified three pending consultations that were not reported in Section XII.C. of the ACHP's Annual FOIA Report for Fiscal Year 2024. The ACHP did not close the three pending consultations in Fiscal Year 2025.

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.

The ACHP did not close the three pending consultations from Fiscal Year 2024 in Fiscal Year 2025.

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 2026.

The ACHP will continue to focus on addressing older requests and consultations in the order and manner in which the requests were received.

F. Additional Information about FOIA Processing

30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency's overall FOIA request processing and backlog. If possible, please indicate:

- The number and nature of requests subject to litigation
- Common causes leading to litigation
- Any other information to illustrate the impact of litigation on your overall FOIA administration

No.