

## **Content of 2016 Chief FOIA Officer Reports (Low-Volume Agencies)**

**Name and Title of your Agency's Chief FOIA Officer: Michael Hoenig, General Counsel**

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

The guiding principle underlying the President's [FOIA Memorandum](#) and the Attorney General's [2009 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.

#### ***FOIA Training:***

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

- Such training or events can include offerings from OIP, your own agency or another agency or organization.

**Answer:** Yes.

2. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

**Answer:** 100%.

3. 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.

**Answer:** N/A

***Discretionary Releases:***

4. Does your agency have a distinct process or system in place to review records for discretionary release?

- If so, please briefly describe this process.
- If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?

**Answer:** Yes.

When processing its requests, the agency makes every effort to release nonexempt information by performing a line-by-line review of all responsive materials and consulting with submitters, where necessary, to ascertain what, if any, information can be publicly disclosed. This is especially relevant with respect to the agency's use of Exemption 5 of the FOIA. The agency closely scrutinizes its application of Exemption 5. Where the material at issue can be reasonably segregated to allow for disclosure of non-exempt information, the agency routinely releases the information. In cases of drafts and working papers, agency staff performs a line-by-line review of each draft and compares it with the final document associated with those drafts, if one exists. Information contained in both the final and draft versions is released and only material that truly conforms with the interests protected by Exemption (b)(5) is redacted.

Finally, in each request, the NIGC has at least three separate individuals reviewing the redactions before they are finalized. Having separate individuals reviewing the same material leads to open discussions as to where discretionary releases can be made. Ultimately, this process leads to more information being provided to the public.

In sum, the NIGC endeavors to release as much information as it can in every request it receives. In particular, the agency carefully scrutinizes its use of Exemptions 5 to ensure that it is not used too broadly. The agency believes that this increases the amount of information that is released to the public in compliance with the presumption of openness.

5. During the reporting period, did your agency make any discretionary releases of information?

**Answer:** Yes.

6. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance on [implementing the President's and Attorney General's 2009 FOIA Memoranda](#).

**Answer:** The National Indian Gaming Commission (NIGC) made several discretionary releases of information that would have otherwise been eligible for withholding under FOIA Exemption 5.

7. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

**Answer:** Most of the information released by the agency as a matter of discretion would normally fall under Exemption 5. Specifically, the agency has made discretionary releases of information contained in internal emails, handwritten notes, and draft documents that contain deliberative content that discusses review processes related to agency decisions regarding investigations, Indian Lands Opinions and management contract reviews. In these cases, FOIA staff reviews FOIA Update Vol. I, No. 1 (guidance on using the deliberative process privilege) and determines whether the release of information that qualifies under Exemption 5 would reasonably cause foreseeable harm. Where the information is unlikely to cause any harm, the agency heavily considers and normally makes discretionary releases.

8. If your agency was not able to make any discretionary releases of information, please explain why, for example, you should note here if your agency did not have an opportunity to make discretionary disclosures because you provided full releases in response to all requests or the only exemptions that were applied were those that do not lend themselves to discretionary release (i.e. Exemptions 1, 3, 4, 6, 7A, 7B, 7C, 7F).

**Answer:** Not applicable.

***Other Initiatives:***

9. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

- If any of these initiatives are online, please provide links in your description.

**Answer:** Outside of the context of FOIA requests, the NIGC goes to great lengths to pro-actively release information to the public. The NIGC publishes on its website all discussion drafts of potential changes to its regulations, proposed rules, comments to discussion drafts and proposed rules, and transcripts of every consultation in which it participates. (See <http://www.nigc.gov/commission/tribal-consultation-2015>) Copies of final rules are also published on the website.

With respect to the agency's everyday business, it publishes its decisions with regard to gaming ordinances and management contracts, as well as its Office of General Counsel's legal opinions. (<http://www.nigc.gov/utility/electronic-reading-room>). Along with the agency's decision documents, the postings also include redacted versions of the approved management agreements and gaming ordinances.

As a result of the regulatory review and other routine postings of NIGC documents, information that would otherwise have to be requested is already available to the public. When reviewing these documents prior to their posting, the agency strives to release as much of the information

as it can. Moreover, the fact that so many of the agency's records are proactively disclosed is evidence of the agency's application of the presumption of openness.

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

The Attorney General's [2009 FOIA Guidelines](#) emphasized 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.

### ***Processing Procedures:***

1. For Fiscal Year 2015, 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 2015 Annual FOIA Report.

- Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2015.

**Answer:** The average number of days reported by the NIGC for adjudicating requests for expedited processing during Fiscal Year 2015 was 11.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

**Answer:** The NIGC only received one request for expedited processing during the fiscal year and responded on the 11<sup>th</sup> day. In the processing of this request, the NIGC FOIA Office improperly counted using business days rather than calendar days. The NIGC does not consider this a habitual concern. Going forward, the NIGC will screen requests for expedited processing when a request is received; and ensure that the deadline is marked on a calendar day rather than a business day deadline.

3. On July 2, 2015, OIP issued [new guidance](#) to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had

occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

**Answer:** The NIGC FOIA Officer occasionally sends inquiries to requesters to ascertain whether or not they are still interested in the information that is sought. The agency's process is consistent with OIP's guidance to agencies and is, in many respects, more protective of requesters. The NIGC does not close requests unless the requester provides written confirmation of its desire to do so and always communicate in the manner preferred by the requester. Moreover, it does not make more than one inquiry to the requester absent good cause. In most cases, the agency will reach out only if it has not had any contact with the requester over a significant amount of time (between 180-270 days).

4. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

- If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here.

**Answer:** The NIGC FOIA Office has had no need to strengthen its services because of the low demand. The NIGC's current staffing allows it to work with requesters to prevent and resolve disputes and to regularly correspond with its requesters via phone or email to provide updates pertaining to the status of their request.

***Other Initiatives:***

5. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

**Answer:** Not applicable.

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

Both the **President's** and **Attorney General's** FOIA memoranda 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.

#### ***Posting Material:***

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

**Answer:** The NIGC is a very small agency with a relatively low number of FOIA requests received each year. Accordingly, the same individuals work on all requests and log them into the agency's database. When the request is logged in, it is immediately reviewed to determine whether responsive documents have already been processed and released. In that manner, the agency is quickly able to determine if a particular record has already been requested. In cases where the agency receives a second request for the same document and reasonably anticipates a third, it works with its IT staff to ensure that the document is placed in its online reading room.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

- Please note that this question is directed towards proactive disclosure of records that go beyond frequently requested records required to be posted under Subsection (a)(2) of the FOIA.

**Answer:** The agency currently works to disclose as much as it can to the public pro-actively, within the constraints implemented by the IGRA. The agency is required to keep certain materials provided to it confidential. Where those restrictions are not implicated, the agency strives to place final versions of all final agency decisions and opinions generated by its General Counsel on to its website proactively. As described earlier in the report, the NIGC places game opinions, declination letters, Indian lands opinions issued by its General Counsel to its website after reviewing whether any of the information is privileged. On top of this, the agency regularly posts gaming ordinances and management contracts after they have been approved by the NIGC

Chair. Accordingly, most, if not all, of the agency's most important records are placed online for easy access by the requester community after they have been finalized.

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.

- Please note that this question is directed at the efforts of actually posting the records online once all disclosure determinations have been made. For example, efforts to load the records in your web content platform or making the releasable documents accessible in compliance with Section 508 of the Rehabilitation Act.

**Answer:** The NIGC's FOIA professionals are not involved in the coding of records for compliance with Section 508.

4. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

**Answer:** No

5. If so, please briefly explain those challenges.

**Answer:** Not Applicable.

6. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

**Answer:** The NIGC has posted copies of its consultation transcripts and copies of comments to its proposed new regulations (<http://www.nigc.gov/commission/tribal-consultation-2015>), copies of declination letters (<http://www.nigc.gov/general-counsel/management-review-letters>), game classification opinions (<http://www.nigc.gov/general-counsel/game-classification-opinions>), and Indian lands opinions (<http://www.nigc.gov/general-counsel/indian-lands-opinions>). Aside from these, the NIGC has also placed gaming ordinances (<http://www.nigc.gov/general-counsel/gaming-ordinances>) and copies of its enforcement actions (<http://www.nigc.gov/commission/enforcement-actions>).

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

- For example, this can be done through social media or with the offering of e-mail subscription services.

**Answer:** The NIGC Public Affairs Office uses Twitter and Facebook to highlight important decisions and actions taken by the agency. While such postings do not always correspond with a pro-active disclosure, in many cases they do. For example, recently the NIGC announced that it had reached a settlement agreement with a Tribe that was the subject of an enforcement action. While the release did not link to the actual settlement agreement, it was already available on the website (<http://www.nigc.gov/commission/enforcement-actions>).

***Other Initiatives:***

8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

**Answer:** As mentioned above, the agency strives to place all final versions of agency opinions and decisions to its website and to keep all matters that may be of interest to requesters updated in its reading room.

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

A key component of the President's **FOIA Memorandum** was the direction to "use modern technology to inform citizens about what is known and done by their Government." 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.

***Making Material Posted Online More Usable:***

1. Beyond posting new material, is your agency taking steps to make the posted information more useable to the public, especially to the community of individuals who regularly access your agency's website?

- Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.



**Answer:** Yes.

2. If yes, please provide examples of such improvements.

- If your agency is already posting material in its most useful format, please describe these efforts.

**Answer:** The NIGC recently upgraded its website in an effort to enhance the visual appeal and usefulness of its site to the regulated community. The new site has increased search capabilities and makes it easier for the public to locate documents it may be interested in and has an updated index. Moreover, all documents that are proactively disclosed on the website are converted to PDF documents and have the text recognition function incorporated so that each document is searchable in its entirety.

**Other Initiatives:**

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

- Please see OIP's [guidance](#) for posting of quarterly reports to ensure that your agency is following all required steps (including using the correct file type and URL structure) so that your quarterly reports are properly appearing on FOIA.gov. (If your reports are posted to your website, but not appearing on FOIA.gov, please contact OIP in order to resolve the issue.)

**Answer:** Yes all quarterly reports have been submitted, however, there are continued issues getting the information to actually display on the FOIA.gov website. The NIGC is working with its Division of Technology to ascertain what, if anything can be done to resolve the issue. At this time, the NIGC believes this has been rectified.

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 2016.

**Answer:** The NIGC is working with its IT department and Division of Technology to correct the issues that have prevented the quarterly reports from being properly displayed on FOIA.gov.

5. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? See OIP Guidance, "[The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications](#)." (Nov. 22, 2013) If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

**Answer:** At this time, the FOIA staff utilizes e-mail as a primary means of communication with requesters. Given the relatively low volume of requests processed by the NIGC, additional technological tools are not cost effective nor are they necessary.

6. If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations? See *id.*

**Answer:** N/A.

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

The President's **FOIA Memorandum** and the Attorney General's **2009 FOIA Guidelines** have 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 2015 Annual FOIA Report and, when applicable, your agency's 2014 Annual FOIA Report.*

**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?

**Answer:** Yes--The NIGC has implemented the use of a separate track for "simple" requests that do not require lengthy consultations with other entities or do not involve voluminous records.

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

**Answer:** No, the agency's average number of days to process simple requests in Fiscal Year 2015 was 53 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

**Answer:** Eighty-five percent of requests processed by the NIGC's FOIA Office in Fiscal Year 2015 were placed in the agency's 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?

**Answer:** Not applicable.

**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 2014 and Fiscal Year 2015 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 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

**Answer:** In Fiscal Year 2015, the backlog increased by nine requests compared to the eight backlogged requests reported at the end of Fiscal Year 2014.

6. If not, explain why and describe the causes that contributed to your agency not being able 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.

**Answer:** The increase in the backlog of pending requests is the result of the complexity and voluminous nature of many of the requests received and re-allocation of staff to other agency priorities. Many of the requests require the time-consuming process of submitting documents to

the submitters for their review and input for purposes of determining the exempt commercial and financial information under FOIA exemption (b)(4).

7. 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 2015.

**Answer:** Thirty-nine percent.

- To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of requests received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

## **BACKLOGGED APPEALS**

8. If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

**Answer:** The NIGC's appeal backlog remained at 0 since there was no backlog in Fiscal Year 2014 or Fiscal Year 2015.

9. If not, explain why and describe the causes that contributed to your agency not being able reduce 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.

**Answer:** Not applicable.

10. 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 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with "N/A."

- To calculate your agency's percentage, you must divide the number of backlogged appeals reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of appeals received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

**Answer:** N/A.

***Backlog Reduction Plans:***

*Not required, but agencies may answer the questions for this section from the [high-volume guidelines](#) if they have information they would like to include.*

**Answer:** The FOIA Office is working with agency management to have additional resources assigned to assist with processing newer requests so that FOIA Staff can focus on eliminating the agency's backlog.

***Status of Ten 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 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

**TEN OLDEST REQUESTS**

11. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

**Answer:** No.

12. 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 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed six of them, you should note that you closed six out of seven "oldest" requests.

**Answer:** The NIGC closed 6 of its 10 oldest requests.

13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

**Answer:** Two

### **TEN OLDEST APPEALS**

14. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

**Answer:** The NIGC did not have any pending appeals in Fiscal Year 2014 or Fiscal Year 2015.

15. 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 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

- For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C. (5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.

**Answer:** Not applicable.

### **TEN OLDEST CONSULTATIONS**

16. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

**Answer:** The NIGC did not have any consultations that were pending in its Fiscal Year 2014 Annual FOIA Report.

17. 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 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

- For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.

**Answer:** Not applicable.

***Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:***

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.

**Answer:** The NIGC FOIA Office did not receive a high volume of FOIA requests during Fiscal Year 2015; however, the requests received were complex in nature which made it difficult for the agency to close to its oldest ten requests during the fiscal year, while continuing to process newer requests.

19. 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.

**Answer:** Not applicable.

20. 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 2016.

**Answer:** As mentioned above, the FOIA Office is working with management to procure additional resources to assist with the processing of newer requests.

***Interim Responses:***

*Not required, but agencies may answer the questions for this section from the **high-volume guidelines** if they have information they would like to include.*

**Answer:** The NIGC proactively provides interim releases where possible. Once documents are received from responsive offices, we routinely review each FOIA case file to determine whether an interim response can be provided.

**Use of the FOIA's Law Enforcement Exclusions**

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?

**Answer:** Not applicable.

2. If so, please provide the total number of times exclusions were invoked.

**Answer:** This Core does not apply to the NIGC.