

FREEDOM OF INFORMATION ACT CHIEF FOIA OFFICER REPORT

Fiscal Year 2024



SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

The guiding principle underlying the Attorney General's 2022 **FOIA Guidelines** is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. LEADERSHIP SUPPORT FOR FOIA

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

Yes.

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

George Thuronyi, Deputy Director of Public Information and Education

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

The Copyright Office's **2022-2026 Strategic Plan** includes four initiatives: copyright for all, impartial expertise, continuous development, and enhanced use of data.

An example related to "copyright for all" is the Office's establishment of the **Copyright Claims Board (CCB)**. The Copyright Alternative in Small-Claims Enforcement (CASE) Act passed by Congress in December 2020 required the Office to establish the CCB to resolve disputes regarding copyright claims for an amount of no more than \$30,000.

In accordance with the Office's longstanding policy of making many records available and accessible to the public, CCB final determinations and other records and information published on **eCCB**, the electronic filing and case management system for the CCB, are also accessible and available to the public. This follows our statutory mandate under **17 U.S.C 1506(t)(4)**.

B. PRESUMPTION OF OPENNESS

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

The Copyright Office does not currently provide information related to the foreseeable harm standard 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 (separate full and partial if possible);
- the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

N/A

6. **If your agency does not track the use of *Glomar* responses, are you planning to track this information in the future?**

The Copyright Office does not expect to send a *Glomar* response since we make many of our records publicly available and accessible.

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

SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The Attorney General’s FOIA Guidelines provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” The Attorney General also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA TRAINING

- 1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.**

The Copyright Office provides basic FOIA training through the Library of Congress’s “LOC Learn” portal. The course is titled “Freedom of Information Act Training,” and provides, for example, an overview of the FOIA and how to meet obligations for processing FOIA requests.

The Office also periodically rotates designation of a FOIA Public Liaison. This staff member is given training on the FOIA process. The position is assigned periodically to different staff members, which means the Office provides training to multiple employees over time.

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

The Copyright Office’s FOIA professionals did not attend substantive training during during the fiscal year 2023 reporting period.

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

N/A

- 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.**

0%

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.**

In fiscal year 2024, the Copyright Office plans to research training options and ensure FOIA professionals attend.

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?**

In fiscal year 2023, the Copyright Office hosted a Register’s Conference for all supervisors in the Copyright Office. A portion of this conference included FOIA training.

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 Copyright Office’s FOIA professionals regularly contact requesters concerning complex requests to clarify or narrow the scope of the request and expedite the process. The Office sends a letter signed by our Chief FOIA Officer stating that “. . . the Office must ‘search for, collect, and examine a voluminous amount of separate and distinct records.’” 37 C.F.R. § 203.7(c)(2)(ii). The Office has limited staff and resources to handle the processing of such a request.” We also provide an estimate of the number of months it will take to process the request.

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.**

N/A

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 2022 (please provide a total number or an estimate of the number).**

N/A

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. The Copyright Office hired two law clerks in fiscal year 2023 who assisted the Attorney-Advisor and Chief FOIA Officer with the FOIA process, particularly responding to "simple" requests. Further, as mentioned in our answer to A(1) under "FOIA Training" above, a different staff member became our FOIA Public Liaison near the end of fiscal year 2023.

In the future, the Office plans to hire another permanent Attorney-Advisor, additional law clerks, and a permanent Program Specialist, who will also take on responsibilities in the FOIA process.

The Office will continue to make sure FOIA operations are adequately staffed.

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 Copyright Office uses an Excel spreadsheet to log FOIA requests and critical data related to responding to a request, including but not limited to the type of request (“simple” v. “complex”), the response due date, and the closed date. The same spreadsheet is where the Office’s FOIA professionals track the amount of time spent on specific requests and on general training, research, or reporting responsibilities.

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

SECTION III: PROACTIVE DISCLOSURES

The Attorney General’s 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 public does not need to make a FOIA request to access many of the Copyright Office’s records. Many records are available in person or on the Office’s **website**. These include:

- The Copyright Act, **Title 17**, and Copyright Office **regulations**.
- Registration and recordation records. The indexes of registration and recordation records from **1978 to present** and **1870 to 1977** are available online. All registration and recordation records are also available for public inspection and searching. For more information visit **copyright.gov/rrc**.
- **Applications and other forms**.
- *Compendium of U.S. Copyright Office Practices, Third Edition*, as well as previous editions and public drafts, a comprehensive guide detailing many of the Office’s administrative practices and interpretations of copyright law.
- Regulatory **rulemakings**, including public comments.
- **Policy studies**, including hearing transcripts and public comments.
- **Statutory licensing records**, which are also available for public inspection and searching.

- **Circulars** and other educational information.
 - **Amicus briefs, federal court filings, Copyright Royalty Board questions and review, and Copyright Office Review Board decisions.**
 - Copyright Claims Board final determinations and other records and information published on **eCCB**, the electronic filing and case management system for the Copyright Claims Board.
 - Public notices, including **Federal Register notices** and **News Net announcements.**
2. **How long after identifying a record for proactive disclosure does it take your agency to post it?**

The Copyright Office posts records as soon as feasible within established, standard workflows that differ in length, depending on the type of record.

3. **Does your agency post logs of its FOIA requests?**
- **If so, what information is contained in the logs?**
 - **Are they posted in CSV format? If not, what format are they posted in?**

The Copyright Office does not currently post logs of its FOIA requests.

4. **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.**

As noted in our answer to 1 above, records that are requested multiple times from the Copyright Office include copyright registration and recordation records. The indexes of registration and recordation records from **1978 to present** and **1870 to 1977** are available online. All registration and recordation records are also available for public inspection and searching. Examples of these types of records include copyright applications, certificates of registration, related correspondence between applicants and Office staff, completed and pending recordation records such as recorded documents, certificates of recordation and related correspondence, search reports, and registration deposit materials. Our webpage, **copyright.gov/rrc**, contains specific information about how to request the materials listed.

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?**

Yes.

- 6. 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 Copyright Office's Public Information and Education division has a group of employees who specifically work on communications strategies for the Office. The Outreach and Education section is continually evaluating our website to make information more useful. This team also creates videos frequently posted on our YouTube channel.

Further, the Public Information and Education division is supported by two Attorney-Advisors who are responsible for leading content updates made to the Office's popular circulars. Circulars are published in PDF format to provide current and authoritative information on different aspects of U.S. copyright law to a general audience. They are arranged on the **website** by topic and cover the basics and fundamental concepts of copyright law, highlights of policies and procedures of the Copyright Office, and registration issues for specific categories of works.

Lastly, the Office's Copyright Public Records System (CPRS) is a pilot that runs in parallel with the **Copyright Public Catalog**. The CPRS uses a more powerful search engine than the Public Catalog, provides easy filtering capability, and follows user-centered design principles in line with the **Enterprise Copyright System**. In addition to information that appears in the official Copyright Public Catalog, CPRS now also includes card images and searchable metadata from an initial release of Card Catalog registration applications from the 1938–1945 period. As the Office continues its modernization journey, more records and metadata will be added regularly.

- 7. 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 Copyright Office is located within the Library of Congress, so we frequently collaborate with the Library's Office of the Chief Information Officer (OCIO). The interactions are data-driven and supportive of our FOIA processes.

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

SECTION IV: STEPS TAKE TO GREATER UTILIZE TECHNOLOGY

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's 2022 **FOIA Guidelines** emphasize the importance of making FOIA websites easily navigable and complying with the **FOIA.gov** interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

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

Yes.

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

The Copyright Office did not begin using new technology in fiscal year 2023 to support our FOIA processes.

- 3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.**

The Copyright Office does not currently use any technology to automate record processing.

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

Yes, the Copyright Office regularly reviews our FOIA webpage and can confirm it contains essential resources and is informative and user-friendly. We include a clear link to FOIA on our homepage as well as every webpage the public can access while on **copyright.gov** or **ccb.gov**.

With regards to the three primary areas to focus on when reviewing our FOIA homepage:

PROACTIVE DISCLOSURES: We do not currently have a FOIA library but are considering establishing one, provided we have the time and resources to do so. On our FOIA homepage, we direct the public to material that the Office already makes publicly available.

MAKING A REQUEST: Our FOIA homepage is itself our FOIA Reference Guide, which OIP mentioned in their guidance as a possibility for how to present the process for making a request to an agency. Our easy-to-understand, web-based format includes a series of questions and answers, including concise directions about how to submit a request to the Office via email or mail. We also cite our FOIA regulations (37 CFR §§ 203.1-203.11) and provide contact information for the FOIA Requester Service Center.

AGENCY ADMINISTRATION OF THE FOIA: Our FOIA homepage links to the Office's Annual Reports dating back to 1998 and our Chief FOIA Officer Reports dating back to 2010.

5. Did all four of your agency's quarterly reports for Fiscal Year 2022 appear on FOIA.gov?

Yes.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2024.

N/A

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 2022 Annual FOIA Report and, if available, for your agency's Fiscal Year 2023 Annual FOIA Report.

FY22 Annual FOIA Report: https://www.copyright.gov/foia/reports/foia_report2022.xml

FY23 Annual FOIA Report: https://www.copyright.gov/foia/reports/foia_report2023.xml

8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Yes.

9. Optional – Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

SECTION V: STEPS TAKEN TO REMOVE BARRIERS TO ACCESS, IMPROVE TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOGS

The Attorney General's 2022 [FOIA Guidelines](#) instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. REMOVE BARRIERS TO ACCESS

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

Yes.

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

Individuals can request certain copyright-related records through the Copyright Office's [Records Research and Certification Section](#).

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

In fiscal year 2023, the Copyright Office issued a final rule regarding the use of *ex parte* communications in informal rulemakings. The final rule defines *ex parte* communications, instructs the public on how to request an *ex parte* meeting with the Office, sets forth responsibilities of parties after an *ex parte* meeting, and addresses impermissible *ex parte* communications.

B. TIMELINESS

4. **For Fiscal Year 2023, 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 2023 Annual FOIA Report.**

0

5. **If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2023 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

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

In the Copyright Office's standard operating procedures for FOIA requests, the Office has two separate processes for handling a simple or a complex request. The process the Office uses depends on the type of request the Office receives.

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 2023?

No.

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

No.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2023 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.

60%

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 2023, 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 2022?

No.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2023 than it did during Fiscal Year 2022?

No.

13. If your agency's request backlog increased during Fiscal Year 2022, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests
- A loss of staff
- An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible

The Copyright Office experienced significant personnel changes during fiscal year 2023, including the transition of one Attorney-Advisor to a different internal division and the hiring of law clerks who required training on the FOIA process. The Office also experienced an increase in the complexity of requests received. For example, the Office received more requests about artificial intelligence, an ongoing initiative with legal implications, this reporting period as compared to last. We also received several requests related to Executive Orders and other executive branch functions, which the Office is not subject to, as an agency within the Library of Congress in the legislative branch. These requests required new research and consultations with multiple departments within the Office.

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 2023. 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."

12.7%

BACKLOGGED APPEALS

15. If your agency had a backlog of appeals at the close of Fiscal Year 2023, 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 2022?

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 2023 than it did during Fiscal Year 2022?

Yes, the Copyright Office processed more appeals during fiscal year 2023 than it did during fiscal year 2022.

17. If your agency's appeal backlog increased during Fiscal Year 2023, 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 2023. 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 2023 and/or has no appeal backlog, please answer with "N/A."

N/A

D. BACKLOG REDUCTION PLANS

19. In the 2023 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2023?

N/A

- 20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2023, please explain your agency's plan to reduce this backlog during Fiscal Year 2024.**

N/A

E. REDUCING THE AGE OF REQUESTS, APPEALS, AND CONSULTATIONS

TEN OLDEST REQUESTS

- 21. In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?**

No.

- 22. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2022 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

The Copyright Office had only four total oldest pending perfected requests reported in the fiscal year 2022 Annual FOIA Report. Those four remained pending in fiscal year 2023.

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

The Copyright Office sends interim responses to the requestors letting them know the Office is still in the process of handling their requests. The Office also provides requestors with an opportunity to narrow the scope of their request, if appropriate, and lets them know that if they are still interested in having the Office process their request despite timing delays, to please contact the Office within a set number of days or the Office will administratively close their request.

TEN OLDEST APPEALS

- 24. In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2022 Annual FOIA Report?**

The Copyright Office did not list any administrative appeals in Section VI.C.5 of the fiscal year 2022 Annual FOIA Report.

25. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2022 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A

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

To the extent that the Copyright Office had any pending appeals, it would follow a similar process to that listed in response to question 23 above.

TEN OLDEST CONSULTATIONS

27. In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report?

The Copyright Office did not list any consultations in Section XII.C. of the fiscal year 2022 Annual FOIA Report.

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 2022 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A

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 2024.

The Copyright Office experienced significant personnel changes during fiscal year 2023, including the transition of one Attorney-Advisor to a different internal division and the hiring of law clerks who required training on the FOIA process. The Office also experienced an increase in the complexity of requests received. For example, the Office received more requests about artificial intelligence, an ongoing initiative with legal implications, this reporting period as compared to last. We also received several requests related to Executive Orders and other executive branch functions, which the Office is not subject to, as an agency within the Library of Congress in the legislative branch. These requests required new research and consultations with multiple departments within the Office.

Regarding a plan on how the Office intends to close the “ten oldest” requests during fiscal year 2024, the Office hired a permanent Attorney-Advisor and Program Specialist in the first and second quarters of fiscal year 2024. Simultaneously, the Chief FOIA Officer has reviewed the Office’s standard operating procedures for FOIA requests and assigned new responsibilities in the FOIA workflow that will hopefully lead to more efficient processing times. The Office will also hire additional law clerks in fiscal year 2024 who will periodically take on responsibilities in the FOIA process.

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.



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