

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**

Chief FOIA Officer Report



Office of Support Operations

January 20, 2026

2026 Chief FOIA Officer Report Guidelines - Agencies Receiving 100 or More Requests in Fiscal Year 2024

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, the Director of the Office of Support Operations, a Senior Officer position at the SEC, serves as the SEC's Chief FOIA Officer.

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

Olivier Girod, Director, Office of Support Operations.

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?

To underscore the importance of FOIA in the SEC's mission, during Sunshine Week each year the SEC's Chairman issues a notice to all SEC staff to commemorate National Freedom of Information Day. In 2025, the Acting Chairman emphasized the importance of open government and lauded the SEC's FOIA professionals and FOIA liaisons within the SEC's Divisions and Offices for their dedication in processing nearly 11,000 requests in FY 2024 and significantly reducing the SEC's FOIA backlog.

Additionally, the SEC incorporates the importance of FOIA into its core mission through several initiatives. Specifically, the SEC provides high-level FOIA briefings for senior officers and staff. Covered topics typically include statutory exemptions, search requirements, and processing guidance.

Further, the SEC allocates substantial time and resources to educate its staff about the importance of FOIA as a key component to the SEC's mission. For example, in FY 2025, the Office of FOIA Services (OFS) provided training sessions/seminars for its FOIA staff and SEC FOIA liaisons across the Commission, including FOIA briefings to the Office of the Chairman and the Crypto Task Force.

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?

Yes.

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 SEC issued either a full or partial Glomar response on 129 occasions during FY 2025.

- 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 SEC tethered its Glomar responses to Exemptions 6 and (7)(C) in 129 instances.

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.

During FY 2025, the SEC updated its FOIA website as well as the SEC FOIA Reference Guide to make it easier for requesters to locate proactively disclosed records, file FOIA requests and appeals, and learn about the SEC's FOIA process. As

a part of the update to the SEC FOIA Reference Guide, the SEC created a centralized listing of available, proactively disclosed records and data sets that can be accessed by the public without filing a FOIA request.

Additionally, given the public interest in personnel and organizational changes, the SEC proactively disclosed:

- *Deferred Resignation Program participant counts for the Commission, broken down by Office;*
- *Statistics on Voluntary Early Retirement Authority and Voluntary Separation Incentive Program participants for the Commission, broken down by Office; and*
- *The SEC's Reduction in Force and Reorganization Plan.*

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.

To provide accessible FOIA training to all SEC staff, the SEC's eLearning platform has available the following interactive FOIA training modules that were developed by the Office of Information Policy (OIP):

- *Freedom of Information Act Training for Executives – A 15-minute course that provides a basic overview of the FOIA and explains how this law impacts agency leaders. Topics covered include an overview of the FOIA, proactive disclosure, reporting and accountability, and FOIA resources and support.*
- *Freedom of Information Act Training for Federal Employees – A 1-hour course that provides a primer on the FOIA and explains how employees can*

assist the agency in FOIA administration. Topics covered include who can make a request, the FOIA's time limits, and searching for responsive records.

- *Freedom of Information Act Training for FOIA Professionals – An in-depth course designed specifically for FOIA professionals and addressing all of the major procedural and substantive requirements of the law. Topics covered include receiving and acknowledging FOIA requests, statutory protections for sensitive information, working in a spirit of cooperation, and providing good customer service.*

Additionally, OFS provides mandatory in-house training each year to all FOIA professionals covering a range of topics including emerging issues in FOIA administration and judicial decisions as well as refresher topics. Specific topics covered during this reporting period included:

- *Fee Waivers and Expedited Processing*
- *Aggregation*
- *Conducting an Adequate Search*
- *Privacy Interests – Exemptions 6 and 7(C)*
- *Referral and Consultation Processes*
- *Preventing Inadvertent Releases*

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.

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

FOIA training attended by SEC FOIA professionals or staff with FOIA responsibilities consisted of virtual training provided by OIP on the following topics:

- *OIP - Administrative Appeals, FOIA Compliance, and Customer Service Training*
- *OIP - Advanced FOIA Training*
- *OIP - Annual FOIA Report Refresher Training*
- *OIP - Litigation Training*
- *OIP - Exemption 4 and Exemption 5 Training*
- *OIP - Privacy Consideration (b6 & 7C) Training*
- *OIP - Processing a Request from Start to Finish*

- *OIP - Annual Chief FOIA Officer Report Training*

Additionally, certain OFS staff attended the two 2025 FOIA Federal Advisory Committee Act meetings.

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.

100% of the SEC's full-time FOIA professionals and staff attended substantive FOIA training.

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.

N/A. 100% of the SEC's FOIA professionals and staff with FOIA responsibilities attended substantive FOIA training during the 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.

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

Additionally, OFS provided training to all SEC FOIA Liaisons, which included a brief FOIA overview and discussion of the various FOIA obligations shared by all SEC staff and contractor personnel. The training also highlighted the important role that FOIA liaisons play in the process and their specific responsibilities.

The SEC's Chief FOIA Officer and Chief Operating Officer are regularly briefed on the SEC's resources and progress related to FOIA processing. Further, the SEC's FOIA Officer will provide briefings to newly appointed SEC Commissioners and other senior executives on the FOIA program at the SEC and the importance of leadership support. For example, in 2025, OFS provided training sessions/seminars for its FOIA staff and SEC FOIA liaisons across the Commission, including FOIA briefings to the Office of the Chairman and the Crypto Task Force. These briefings covered topics including the statutory exemptions, search requirements for records, and processing procedures.

All staff across the SEC are encouraged to contact OFS staff for any FOIA-related issues or questions. To provide accessible FOIA training to all SEC staff, the SEC's eLearning platform has interactive FOIA training modules available, which are described more fully at Section II.A.1.

In addition, the eLearning platform offers a module that was jointly developed by the Office of the Whistleblower, the Office of the General Counsel (OGC), and OFS: Whistleblower Confidentiality Under FOIA. This training is meant to instruct SEC staff how to: (1) better identify records containing whistleblower-identifying information, and (2) mitigate the inherent risks associated with transmitting and processing such records in response to FOIA requests.

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. OFS staff routinely conduct outreach to requesters concerning complex or voluminous requests. During this outreach, OFS staff may seek clarification of what records are being requested and work with the requester to refine the scope of their request so that requested information can be located and processed more promptly. During these collaborative discussions, OFS staff work with the requester to develop appropriate lists of offices and custodians to be searched, search terms to be used, and search time frames. This process may typically involve multiple search attempts and discussions with the requester to work toward refining the scope of the request. Oftentimes these collaborative discussions result in refining document collections to a more relevant and manageable set. For voluminous requests, rolling productions are made where feasible.

As an example, OFS staff reached out to numerous requesters seeking records relating to the trading halt in the Series A Preferred Shares of Meta Materials, Inc. that traded under the symbol MMTLP. OFS staff worked with multiple requesters to help them formulate search terms that were most likely to retrieve records responsive to their stated areas of interest.

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.

Throughout the reporting period, OFS staff consistently engaged the SEC FOIA requester community to process requests more efficiently. OFS staff routinely communicate with individual requesters, including media outlets, law firms, and open government organizations to discuss, among other things, the scope of their requests and agency search capabilities. These communications afford requesters an opportunity to understand the types of records falling under the Commission's purview, the review process, confidentiality statutes, and the types of records and information that are generally released and withheld under FOIA.

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).

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

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 Chief FOIA Officer, along with OFS management, are proactive and supportive of the SEC's FOIA operations while continuously monitoring the increase in the volume and complexity of requests received each year. Due to the retirement of four experienced agency personnel during this reporting period, OFS underwent a reorganization in an effort to efficiently reallocate resources to address the volume and complexity of requests. This reorganization effectively streamlined processes and the review structure to allow for maximum productivity and quality assurance of work products. OFS continually assesses resource allocation and staff utilization based on FOIA demand and adjusts as necessary. At present, OFS has 25 full-time staff, which includes three Attorney Advisors, who collectively handle the day-to-day operations and work of OFS. Further, OFS has 20 contractors who provide critical staff support to meet programmatic objectives. FOIA branch managers generate daily reports tracking the processing of all pending FOIA requests. In addition, FOIA processing metrics and backlog reports are provided to the SEC's Chief FOIA Officer. These reports help to inform staffing and resource decisions.

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 SEC relies upon quality control metrics that are constantly monitored and assessed. These metrics provide OFS management with the necessary data to analyze trends and assess performance ensuring timely responses to requests for expedited processing and fee waivers, as well as simple and complex track requests. OFS generates monthly reports that include statistical analyses, which are compared and contrasted with prior reporting metrics. OFS management continuously examines and analyzes the FOIA process at the SEC to improve efficiency and to ensure compliance. Further, OFS management provides monthly metrics to the SEC's Chief FOIA Officer to inform decisions about FOIA process efficiencies and workload.

Additionally, OFS management generates weekly reports on the number of pending requests, backlogged requests, and requests that have been pending for more than

100 days. These reports allow OFS management to closely monitor the number and age of the FOIA backlog and ensure that resources and work queues are being effectively managed.

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

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.

Opinions, pleadings, and orders from SEC administrative proceedings are all posted to the SEC's website from 1995 to the present. Further, registrant EDGAR filings are also posted on the SEC's website. The website is regularly updated by each relevant program office with new items posted based on the actions of the program office(s). Similarly, administrative staff manuals, statements of policy and interpretations adopted by the SEC are also posted and intermittently updated by the appropriate program offices. OFS regularly posts records that have been requested three or more times or where OFS believes the records would be of public interest.

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

Yes.

If so, what information is contained in the logs?

The SEC's FOIA logs are posted monthly at [SEC.gov | FOIA Logs](#) and contain a list of all requests submitted during the preceding month and include the following information: Request identification number, Requester Name, Requester Organization, Requester Fee Category, Request Description, Date of Request, Date of Receipt, Request Status, Closed Date and Final Disposition.

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

Yes. The FOIA logs are posted in CSV format.

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

SEC FOIA logs can be located at [SEC.gov | FOIA Logs](#).

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).

During the reporting period the SEC proactively posted records to OFS's Frequently Requested Documents webpage at [SEC.gov | Frequently Requested Documents](#). Records requested three or more times can also be found here. The following are examples of records proactively posted on OFS's website as well as the websites of other SEC Divisions and Offices:

- [Company Information About Active Broker-Dealers](#)
- [Fails-to-Deliver Data](#)
- [District Court Votes from January 2002 to August 2008](#)
- [Participation in State of Iowa et al. v. SEC, No. 24-1522 \(8th Cir. filed Mar. 12, 2024\) \(PDF\)](#)
- [Unauthorized Disposition Notice to NARA \(Dated July 29, 2025\) / Unauthorized Disposition Notice to NARA \(Dated June 27, 2025\)](#)
- [SEC staff by position who accepted buyout offers and left the agency in March and April 2025](#)
- [Deferred Resignation Program \(DRP\) Participant Count Since 1/28/2025](#)
- [Voluntary Early Retirement Authority \(VERA\)/Voluntary Separation Incentive Program \(VSIP\) Participant Count Since 1/28/2025](#)
- [U.S. Securities and Exchange Commission's \(SEC\) Agency RIF and Reorganization Plan \(ARRP\)](#)
- [Calendars of Current and Former SEC Chairmen](#)
- [SEC Rule Making Activity](#)
- [Electronic Data Gathering, Analysis, and Retrieval \(EDGAR\) Filings](#)
- [No Action, Interpretive and Exemptive Letters](#)
- [SEC and Markets Data Sets](#)
- [SEC Commission Votes](#)
- [SEC Office of Inspector General Reports](#)

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

The SEC posts its frequently requested records at [SEC.gov | Frequently Requested Documents](#).

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.

OFS created a centralized location of proactively disclosed records within its FOIA Reference Guide located at [SEC.gov | Securities and Exchange Commission Freedom of Information Act Reference Guide](#). In addition, a section was created within the reference guide that allows users to quickly access SEC FOIA Regulations and Privacy Act regulations, as well as other FOIA resources. The SEC's main FOIA landing page was also reorganized to reflect the lifecycle of a FOIA request to make it easier for requesters to navigate, conduct research, and find detailed instructions on drafting and submitting FOIA requests to the SEC.

The public may subscribe to RSS feeds at [SEC.gov | RSS Feeds](#) to be informed of the most recent materials posted to the SEC website. The public may also sign up for email updates to the [SEC.gov | Frequently Requested Documents](#) page.

The SEC also has a separate web page where high value data sets are available. [SEC.gov | SEC and Markets Data](#). Descriptions of the most recently published data sets can be found on the SEC's main web page. Additional data and research materials are made proactively available at [SEC.gov | Data and Research](#). Individuals may sign up to receive SEC email updates for this information as well.

In promoting proactive disclosures, the SEC's FOIA logs are posted monthly. Further, many divisions and offices within the SEC make records available on their specific page(s) of the SEC's website.

The Office of Structured Disclosure (OSD), within the Division of Economic and Risk Analysis ([SEC.gov | Office of Structured Disclosure](#)), supports the SEC's efforts to make data accessible and easy to use. OSD works closely with other SEC Divisions and Offices to design data structuring approaches for required disclosures and supports the SEC's data collections and data usage by designing taxonomies,

validation rules, data quality assessments, and tools for conducting data analyses. OSD also works with investors, regulated entities, and the public to support the submission and use of structured data.

In addition, policy teams across Divisions take steps to structure existing collections of data, with the aim of incorporating open, machine-readable, and machine-actionable formats. For example, pursuant to the SEC's 2025 Open Data Plan, the SEC actively updates its XML and XBRL taxonomies which allows market participants to better analyze SEC data.

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. For proactive disclosures made by OFS there is typically coordination with the Office of the Secretary for purposes of posting. In some instances, the OFS will provide notice of disclosure to the SEC's Office of Public Affairs for situational awareness. Additionally, where OFS is recommending proactive disclosure of certain records, there is collaboration with the program office that maintains the records. Depending on the nature of the records, the program office's webpage may host the information – or the records may be posted to the OFS webpage.

For example, specialized data may be hosted by the relevant office or division. This would include records on the SEC's Division of Economic and Risk Analysis webpage at [SEC.gov | DERA Data Library](#), which offers investors access to aggregated data from filings for research and analysis. The SEC's Division of Investment Management's Analytics Office makes similar records available at [SEC.gov | Analytics Office](#). Finally, registrant EDGAR filings are available at [SEC.gov | Search Filings](#).

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

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, OFS continually reviews and evaluates FOIA technology capabilities to identify resources which would improve and enhance FOIA administration at the SEC.

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

With the ever-increasing number of requests received each year, OFS relies heavily on available technology resources including the FOIA tracking system and e-Discovery tools to assist with tracking, monitoring, processing, and litigation demands. Specifically, OFS utilizes FOIAXpress, an electronic document management and tracking system, which allows for efficient processing of responsive records, management of correspondence required for maintaining the administrative record, and tracking FOIA metrics. This system is updated intermittently to account for anticipated FOIA issues and demands – and to simply make processing more efficient. Additionally, OFS continues to explore artificial intelligence as a potential tool to enhance FOIA processes.

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.

OFS uses FOIAXpress to automate aspects of FOIA administration at the SEC. Records are integrated into this platform and search and redact functions are employed to make processing more efficient. Upgrades are consistently implemented to this processing system. The FOIAXpress application undergoes regular updates to enhance current features and apply security patches.

OFS recently upgraded to a new version of FOIAXpress with enhanced benefits, including lower costs, more secure data and document storage, and better overall performance, all of which will contribute to a more streamlined user experience.

OFS management is also evaluating some of the new technological capabilities that will be available in this new version of FOIAXpress. These additional tools could, among other things, enhance the ability of staff to search, sort, and identify responsive content in large volumes of emails, attachments, and electronic files, thereby decreasing document review time.

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. In FY 2025, OFS undertook an initiative to refresh its FOIA website to provide those looking for SEC data easier access to conduct research, learn about available proactively disclosed datasets, and easily submit FOIA requests and appeals online. Additionally, the SEC updated its FOIA Reference Guide which now includes more robust information about the SEC FOIA request process, including links to various FOIA resources, and links to the SEC's FOIA and Privacy Act regulations. Additionally, as a part of this initiative, the SEC included a centralized catalog of some of its more frequently visited proactive disclosures across the SEC's public information offerings.

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2025 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 2026.

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

Raw statistical data used to compile the SEC's FY 2024 Annual FOIA Report can be found on the FOIA Office's webpage [SEC.gov | SEC FOIA Reports](#) at <https://www.sec.gov/files/2024-foia-annual-report-raw-data.xlsx>.

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.

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?

No.

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

Members of the public must file a Privacy Act request with the SEC to gain access to first-party records. Given the types of records maintained by the SEC, first-party requests typically seek access to records concerning investigatory and other enforcement-related matters. As such, records responsive to first-party requests must be reviewed by agency personnel before release. Additionally, SEC FOIA and Privacy Act regulations provide specific guidelines for individuals requesting such records, including procedures to follow for verification of identity.

The SEC's website allows for submission of first-party requests. First-party requests received by the SEC, whether for access, amendment or accounting, are assigned tracking numbers indicating that processing will be initiated under the Privacy Act. To the extent that the records are not exempt under the Privacy Act, access will be granted to a first-party request. First-party requests are processed under both the FOIA and the Privacy Act to provide maximum access to records.

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

The SEC accepts FOIA requests submitted in multiple ways to ensure that all requesters can access government information. Members of the public may submit

FOIA requests via the SEC website, the Public Access Link, FOIA.gov, at the foiapa@sec.gov email address, via fax, or via paper mail. Further, the OFS website allows for electronic webform submission of first-party verification of identity and third-party release authorization.

OFS continues to explore various tools to improve service to requesters. For example, the reorganization of the OFS website to allow for more efficient navigation and to make locating posted records easier.

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.

The SEC's average number of days to adjudicate requests for expedited processing was 2.83 days.

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.

N/A

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?

Yes, the average number of days to process simple track requests was 5.86 days.

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

N/A. The SEC's average processing time for simple track requests remained the same from FY 2024 to FY 2025 at 5.86 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.

50.1% of the requests processed by the SEC in FY 2025 were placed in the simple track.

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.

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?

Yes. The SEC processed 2,264 more requests in FY 2025 than what was processed in FY 2024. This was a 20.6% increase in the number of requests processed.

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

OFS experienced a marked increase in the overall number and complexity of the requests received. OFS experienced a 23% increase in the number of requests received in FY 2025 as compared to FY 2024. In addition, in FY 2025 the SEC received a higher number of FOIA requests than in any of the previous 5 years. Further, the SEC continues to experience significant resource demands in connection with FOIA litigation. FOIA litigations are labor-intensive for OFS staff because they typically involve complex requests, consultations with other offices and agencies, and/or coordination with submitters pursuant to the Commission's Rule 83 confidential treatment process. Additionally, OFS staff must coordinate with the Office of the General Counsel in litigation matters so that records can be processed to meet deadlines set by courts or agreements between plaintiffs and the SEC.

Further, OFS experienced a loss of four experienced FOIA staff in FY 2025 due to retirement.

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."

The percentage of requests that made up the backlog reported at the end of FY 2025 was 3.7%.

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?

The SEC had zero (0) backlogged appeals for both FY 2024 and FY 2025.

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. However, the SEC did process more appeals in FY 2025 than were processed in FY 2024.

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?

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

The SEC closed three of its ten oldest requests for FY 2025.

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

To reduce the overall age of pending requests, OFS employs best practices that include consistent and meaningful communication with requesters, conducting regular training for FOIA and non-FOIA staff, and collaborating with team members to devise plans for closing older requests.

OFS management consistently monitors the age of pending requests and takes steps to evaluate processes and address the human capital needed for making positive impacts on reducing the backlog. OFS management regularly meets with OFS staff to discuss backlogged requests and to develop processing plans to move those requests to closure. Particular attention is given to those requests that are approaching or have reached 100 days pending.

Through these active backlog management initiatives, there have been improvements in the median and average number of processing days to respond to complex track requests. Between FY 2024 and FY 2025, there was a 33% improvement in the average processing time for complex track requests, while the median processing time improved by 44%.

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?

Yes. The SEC closed 4 out of 4 appeals that were reported as pending in Section VI.C.(5). of its FY 2024 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 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.

The SEC's Office of the General Counsel (OGC) processes all FOIA appeals. OGC staff emphasize completing FOIA appeals before the 20-day deadline. However, at times, adjudicating appeals can present complex issues that require further consultation with staff in other divisions and offices and review of voluminous documents. In these instances, OGC staff engage with the requester and provide meaningful updates regarding the status of their appeal.

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?

Yes. The SEC closed the one consultation that was reported as pending in Section XII.C. of its FY 2024 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 2024 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 2026.

OFS continues to evaluate new technologies to improve current processes. It is anticipated that these efforts will act to address FOIA issues such as closing the "ten oldest" pending requests, appeals, and consultations. OFS staff actively engage requesters in the "ten oldest" category. Attempts at narrowing and determining interest in specific types of records are made based upon searches conducted.

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

Yes. There were 85 requests subject to litigation during the reporting period. OGC represents the SEC in all FOIA litigation. OFS staff are tasked with providing litigation support, which often includes review and production of records subject to court ordered deadlines.

The FOIA litigation process requires OFS staff to devote large amounts of time to tasks other than what is regularly required in processing FOIA requests. For example, OFS staff must provide attorneys handling the litigation with factual information used for filing answers, status reports, motions for summary judgment, and other court filings. In addition, as attorneys negotiate settlements or agreements about how records are to be processed, OFS staff are often involved in the process to determine what is feasible and what issues might arise. Finally, as a result of court orders or agreements reached in litigation, OFS staff must devote significant time to processing the voluminous amounts of records typically at issue in litigation.