National Endowment for the Humanities (NEH)

2023 Chief FOIA Officer Report

Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Attorney General's [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.

Michael McDonald, General Counsel

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

The agency has not directly incorporated FOIA milestones into its strategic plan. However, the majority of NEH FOIA requestors are prospective NEH funding applicants who would like to see examples of what a successful application looks like. To that end, NEH consistently posts proactive disclosures of successful grant applications – which NEH FOIA professionals have reviewed and redacted, as appropriate – on the agency's website. This ties into NEH's first and second strategic goals to (1) "provide opportunity and access for all Americans who wish to pursue knowledge in the Humanities," and to (2) "simplify the NEH grantee experience."

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?

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 interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. With respect to these responses, please answer the below questions:

    a.   In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a *Glomar* response?

       Yes.

b. If yes, please provide:
   a. the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible);

   NEH did not issue a full or partial *Glomar* response during the reporting period.

   b. the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

   NEH did not issue a *Glomar* response during the reporting period.

c. If your agency does not track the use of *Glomar* responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved.

   Not applicable. NEH tracks the use of *Glomar* responses.

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.

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.

NEH's FOIA professionals conduct one-on-one training verbally and in writing, as needed, to remind agency staff of their FOIA responsibilities and to answer specific FOIA-related questions. They also ensure that new supervisors are aware of and receive training about their FOIA responsibilities.

In addition, throughout the year NEH advises all staff members—including non-FOIA professionals—of the agency's FOIA obligations, by (a) repeatedly emphasizing, in both written and oral communications, that FOIA is everyone's responsibility; and (b) posting information about FOIA on the agency's intranet site.

Finally, each year, NEH holds a mandatory "FOIA Refresher Training" for agency personnel with FOIA responsibilities, including all managers and supervisors. In FY 2022, we provided a January 2022 make-up training for those that were unable to attend the Fall 2021 session. This training details NEH's FOIA policies and procedures and reinforces the agency's commitment to responding promptly and accurately to all FOIA requests. NEH also posts this training on its intranet site, so that all agency personnel may review it at any time. Due to FOIA staff turnover, we

were not able to conduct a separate 2022 "FOIA Refresher Training" but will hold a refresher in Spring 2023.

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?

Yes.

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

In CY 2022, NEH staff with FOIA responsibilities attended OIP's trainings on various topics including: Annual/Quarterly Reports; the Chief FOIA Officer Report; Virtual Procedural Requirements and Fees; FOIA Litigation Seminar; and Virtual Privacy Considerations. NEH staff plan to attend OIP's Advanced FOIA training in February 2023.

OGC's new attorney with FOIA responsibilities has also received substantive FOIA training from NEH since joining the agency in August 2022. In November 2022 the agency's new attorney with FOIA responsibilities and the administrative assistant in NEH's Office of General Counsel (OGC) attended OIP's FOIA Training on the Introduction to FOIA.

NEH regularly provides substantive training for its agency personnel who have FOIA responsibilities, as detailed in response to Question II.A.1, above.

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 percent of NEH's FOIA professionals attended substantiative FOIA training during the reporting period. In addition, NEH expects that 100 percent of its agency staff with FOIA responsibilities will attend substantive FOIA training during this reporting period.

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.

Not applicable. NEH expects that 100 percent of its FOIA professionals will attend substantive FOIA training before the end of 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 trainings 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?

Throughout the year NEH advises all staff members—including non-FOIA professionals—of the agency's FOIA obligations, by (a) repeatedly emphasizing, in both written and oral communications, that FOIA is everyone's responsibility; and (b) posting information about FOIA on the agency's intranet site.

B. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue, outside the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

No. NEH did not engage in any outreach or dialogue with the requestor community or open government groups regarding its administration of the FOIA.

8. 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, NEH FOIA professionals proactively contact requestors – as needed – by phone or email in order to clarify the scope of complex or voluminous requests and provide additional information about NEH's FOIA process. To narrow the scope of request, NEH staff may ask if the requestor has a preferred date range, if the requestor is interested only in specific portions of the grant files requested, or if the requestor is only interested in records concerning a specific organization or key search term.

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).

Zero. No requestors sought assistance from the agency's FOIA Public Liaison during Fiscal Year 2022.

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.

NEH evaluates the allocation of agency personnel resources for FOIA demands on an as-needed basis and does not have any current changes planned.

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.

Not applicable. NEH does not use any data or processing metrics to monitor the agency's FOIA workload. NEH keeps an excel spreadsheet log of all FOIA requests received by the agency along with digital copies of the requests and all communications with the requestors.

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 [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.

By far, the majority of FOIA requests that NEH receives concern grant application materials. Most requestors are prospective NEH funding applicants who would like to see examples of what a successful application looks like. To that end, NEH maintains— and updated during the reporting period—an electronic library containing dozens of sample grant application narratives, which NEH FOIA professionals have reviewed and redacted, as appropriate.

Also, during the reporting period, NEH added a large volume of materials to its "digital repository," a publicly available collection of archival records documenting NEH's history.

In addition, during the reporting period NEH posted on its website many of the records produced in response to a FOIA request (except, generally, those requesting first-party records or those concerning NEH's Office of the Inspector General investigations of named individuals), thereby ensuring that many disclosures released to an individual requestor are available to the public at large.

2. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

During the reporting period, NEH posted proactive disclosures described in Question 1 above to NEH's sample grant electronic library https://www.neh.gov/about/foia/freedom-information-act-sample-grant-application-narratives), NEH's digital library (https://neh.dspacedirect.org/), and NEH's FOIA response library page (https://www.neh.gov/about/foia/responses).

NEH did not have any records requested three or more times in accordance with 5 U.S.C. § 552(a)(2)(D).

3. 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.

4. 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 vast majority of requests NEH receives are for successful grant applications. NEH posts these records to its website in PDF format and labels these documents so that members of the public can easily locate a particular application by its title or by the grant program through which NEH made the award.

NEH also maintains a searchable database of every project it has funded, and the agency's recently redesigned (June 2022) website features improved layout and navigability as well as a refined "search" feature – all of which serve to make information about NEH and its activities more useful and accessible to the public.

5. 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 the interaction.

Yes. The NEH FOIA professionals routinely work with NEH's Office of Information Resources Management, the Office of Records Management, the Administrative Services Office, and program staff to search for, collect, and post proactive disclosures to the NEH website.

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

NEH routinely takes steps to increase proactive disclosures. For example, program officers in the various NEH divisions regularly select samples of grant application narratives from NEH-funded projects for posting on the NEH website alongside agency grant guidelines and in its electronic FOIA library. NEH also regularly releases financial reports concerning NEH's grant-making and budget; maintains a list of NEH credit card holders (which is frequently requested information); and publishes its complete staff directory on its website.

More generally, NEH maintains a detailed log of all requests the agency receives. This allows the agency to keep track of the number of times a particular record has been requested and to post it on the NEH website (if it has not already done so consistent with its other proactive disclosure procedures). Furthermore, NEH proactively posts on its website most records for which it is *likely* to receive three or more requests (such as budget documents, the list of agency credit-card holders, and staff contact information), as well as the majority of the other records it has released pursuant to a FOIA request (such as successful grant applications and congressional correspondence).

Section IV: Steps Taken 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 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, our agency reviews and updates its FOIA-related technological capabilities to respond to current and anticipated FOIA demands on an as-needed basis.

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

NEH did not use any new types of technology during this reporting period. NEH primarily uses Adobe Acrobat and its redacting tools to prepare responsive records, and it uses Microsoft Excel spreadsheets to track the status of each FOIA request.

Additionally, NEH's FOIA professionals work closely with the agency's Office of Information Resources Management (OIRM) to conduct efficient searches for responsive emails in Microsoft Outlook and other information stored in the agency's electronic databases. OIRM staff are skilled at performing Boolean searches in order to produce efficient yet comprehensive search results; they are also deeply familiar with and proficient at extracting information from NEH's electronic databases.

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.

NEH FOIA professionals work closely with the agency's Office of Information Resources Management (OIRM) to conduct record searches, as described above Section IV.2. This greatly reduces the time otherwise needed for staff to search for responsive records manually.

The agency does not use any automated technology to review or redact records.

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

Yes.

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

Yes, NEH successfully posted all four quarterly reports for FY 2022 on FOIA.gov.

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 2023.

Not applicable. NEH successfully posted all four quarterly reports for FY 2022 on FOIA.gov.

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2021 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report.

This information is available at: https://www.neh.gov/about/foia.

8. In February 2019, DOJ and OMB issued 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 Timelines in Responding to Requests, and Reduce Backlogs

The Attorney General's 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 reduce 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.

NEH grant applicants may review their application materials through the electronic Grant Management System (eGMS) portal. Additionally, applicants may contact NEH program staff to request panel reviewers' comments on their grant applications.

B. Timeliness

3. For Fiscal Year 2022, 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 2022 Annual FOIA Report.

5.6 days.

4. 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 2022 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.

Not applicable. NEH's average number of days to adjudicate requests for expedited processing was below ten calendar days.

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

Yes.

6. 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 2022?

Yes. In FY 2022, NEH's average number of days to process simple requests was 11.8 working days.

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

Not applicable. NEH's average processing time for simple requests was below twenty working days.

8. Please provide the percentage of requests processed by your agency in Fiscal year 2022 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.

Eighty percent.

9. 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?

Not applicable. NEH uses a separate track for simple requests.

B. Backlogs

BACKLOGGED REQUESTS

10. If your agency had a backlog of requests at the close of Fiscal Year 2022, 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 2021?

NEH had zero backlogged requests at the close of FY 2021 and two requests backlogged at the end of FY 2022.

11. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?

No. NEH processed sixty-one requests in FY 2021 and fifty requests in FY 2022.

12. 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 COIVD-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible

During FY 2022, the agency experienced staff turnover among its FOIA professionals that affected NEH's ability to reduce its backlog. Additionally, the agency's ability to process requests was further impeded by the fact that due to the pandemic over 80% of the NEH staff were working remotely which made accessing documents and processing requests more difficult.

13. 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 2022. 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."

4.2 percent.

BACKLOGGED APPEALS

14. If your agency had a backlog of appeals at the close of Fiscal Year 2022, 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 2021?

Not applicable. NEH did not have any backlogged appeals at the end of either FY 2021 or FY 2022.

15. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021?

Not applicable. NEH did not have any backlogged appeals at the end of either FY 2021 or FY 2022.

16. If your agency's appeal 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 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
- Impact of COIVD-19 and workplace safety precautions
- Any other reasons – please briefly describe or provide examples when possible

Not applicable. NEH did not have any backlogged appeals at the end of either FY 2021 or FY 2022.

17. 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 2022. 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 2022 and/or has no appeal backlog, please answer with "N/A."

Not applicable. NEH did not have any backlogged appeals at the end of FY 2022.

D. Backlog Reduction Plans

18. In the 2022 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2021 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 2022?

Not applicable. NEH did not have any backlogged requests at the end of FY 2021.

19. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your agency's plan to reduce this backlog during Fiscal Year 2023.

Not applicable. NEH did not have a backlog of more than 1,000 requests at the end of FY 2022.

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

TEN OLDEST REQUESTS

20. In Fiscal Year 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report?

Yes.

21. 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 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Not applicable. In FY 2022, NEH closed all five requests pending at the end of FY 2021.

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

NEH had only five pending requests at the end of FY 2021: two simple track requests, which it processed within 20 working days, and three complex track requests. NEH processed the first complex track request in 30 working days, the second in 50 working days, and the third in 58 working days.

In all three complex request cases, the agency produced the records on a rolling basis as the requests required NEH to search for, collect, and appropriately examine voluminous amounts of separate and distinct records. The agency's ability to process the requests were further impeded by the fact that our offices are closed due to the COVID-19 pandemic and our FOIA staff are working remotely.

TEN OLDEST APPEALS

23. In Fiscal Year 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5. of your Fiscal Year 2021 Annual FOIA Report?

NEH did not have any pending appeals at the end of FY 2021.

24. 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 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Not applicable. NEH did not have any pending appeals at the end of FY 2021.

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

Not applicable. NEH did not have any pending appeals at the end of FY 2021.

TEN OLDEST CONSULTATIONS

26. In Fiscal Year 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report?

NEH did not have any pending consultations at the end of FY 2021.

27. 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 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Not applicable. NEH did not have any pending consultations at the end of FY 2021.

ADDITIONAL INFORMATION REGARDING TEN OLDEST

28. 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 2023.

Not applicable. NEH closed its five pending requests from FY 2021 during FY 2022. NEH did not have any pending appeals or consultations at the end of FY 2021.

F. Additional Information about FOIA Processing

29. 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, and any other information to illustrate the impact of litigation on your overall FOIA administration.

Not applicable. NEH did not have any requests subject to FOIA litigation during FY 2022.

30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your agency's FY22 raw data).

In FY 2022, NEH received four requests that involved unusual circumstances as defined by the FOIA. Three of which required NEH to search for, collect, and examine voluminous records and one in which NEH needed to consult with another federal agency.