

2012 Chief FOIA Officer Reports

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

The Inter-American Foundation (IAF) FOIA staff did not hold an agency FOIA conference, or otherwise conduct training during 2011.

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

IAF FOIA staff did not attend any FOIA training during 2011.

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

3. Did your agency make any discretionary releases of otherwise exempt information?

In FY 2011 the agency did not make any discretionary releases of otherwise exempt information. In FY 2011 the IAF received and processed a total of 16 FOIA requests. Seven FOIA requests were granted in full, four were granted in part and the agency had no records responsive in five. In all cases in which information was withheld from disclosure via redaction, the decision was based on a determination that the information requested had to be withheld as it was covered by statute. In two requests, information was withheld based on Exemption 5, as an intra-Agency, pre-decisional deliberate record, and the other two requests fell within the parameters of Exemption 4, which protects confidential or financial information submitted to the government that is privileged or confidential. Bearing in mind the Presidents guidance regarding the presumption of openness, even when protected information was withheld, the IAF released the remaining portion of the record that was not covered by a statutory exemption.

4. What exemptions would have covered the information that was released as a matter of discretion?

None.

5. Describe your agency's process to review records to determine whether discretionary releases are possible.

If a document is identified as protected from disclosure under a FOIA exemption, the agency reviews the document to assess whether the information can be released as a matter of discretion. The document will be released if the exemption is one that allows discretion, such as Exemption

5, and there is no foreseeable harm in disclosure. In order to determine whether a discretionary release may be possible, IAF FOIA staff consult the Department of Justice FOIA reference materials (such as the United States Department of Justice Guide to the Freedom of Information Act).

6. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

The IAF is currently undergoing a re-design of the agency's website to provide even greater accessibility to information, such as more clearly posted links to agency FOIA materials and other helpful agency information.

In Section V.B.(1) of your agency's Annual FOIA Report, entitled "Disposition of FOIA Requests – All Processed Requests" the first two columns list the "Number of Full Grants" and the "Number of Partial Grants/Partial Denials." Compare your agency's 2011 Annual FOIA Report with last year's Annual FOIA Report, and answer the following questions:

7. Did your agency have an increase in the number of responses where records were released in full?

Yes, however the agency received almost twice the number of FOIA requests in 2011 than in 2010.

8. Did your agency have an increase in the number of responses where records were released in part?

Yes, however the agency received almost twice the number of FOIA requests in 2011 than in 2010.

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

As the Attorney General emphasized in his FOIA Guidelines, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests."

This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

1. Do FOIA professionals within your agency have sufficient IT support?

In general, the IAF FOIA professionals within the agency have sufficient Information Technology (IT) support. IT support maintains the technical aspects of the FOIA email address and IAF FOIA webpage to ensure ready access to agency records and FOIA personnel by FOIA requestors.

2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?

Yes. The agency is very small and has only two personnel who work on the agency's FOIA program as collateral duty, which includes the Chief FOIA Officer.

3. Do your FOIA professionals work with your agency's Open Government Team?

The IAF's FOIA professionals and the Open Government Team primarily interact in order to post the IAF's Annual FOIA Report or Chief FOIA Officer Report on the agency's website.

4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.

Because the IAF receives so few FOIA requests each fiscal year, maintains no backlog of FOIA requests and responds to all requests in a timely manner, there is currently no concerns regarding FOIA staffing as assessed by the agency.

5. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

The IAF strives to streamline the agency's processing of FOIA requests however it can, primarily through its website where the public and potential FOIA requesters can easily access the agency's FOIA resources and useful information, as well as allowing submissions of FOIA requests via email. The FOIA webpage is directly linked to the IAF homepage, from which is clearly visible and easily accessible. Additionally, the IAF has a FOIA-specific e-mail address which directs FOIA requests directly to the agency's FOIA personnel without any intermediary steps. This email address is checked routinely, which allows for maximum efficiency in response time.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2011 to March 2012). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Has your agency added new material to your website since last year?

Yes.

2. Provide examples of the records, datasets, videos, etc., that have been posted this past year.

Throughout 2011 the IAF uploaded a variety of documents to its website to include openness and transparency with regard to agency activities, including the IAF's Annual FOIA Reports in PDF and XML formats, the IAF's Grassroots Development Journal, the agency's Annual Report, and information regarding the grants awarded during the last fiscal year.

3. Describe the system your agency uses to routinely identify records that are appropriate for posting.

The IAF FOIA team reviews agency documents periodically to assess whether there is a need to proactively make a document available on its website. Notably, however, the majority of FOIA requests the IAF receives are for information which no record exists and many of the remaining requests vary widely as to their content and the records requested.

4. Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc.?

The IAF is currently undergoing a complete revamping of its website. One important component of the new website will be to provide more helpful and detailed information to individuals who regularly access the IAF's website and improve the site's overall search capabilities.

5. Describe any other steps taken to increase proactive disclosures at your agency.

Beyond the revamping of the agency's website, the IAF is currently not undertaking any other steps to increase proactive disclosure.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. In 2010 and 2011, agencies reported widespread use of technology in handling FOIA requests. For 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.

Electronic receipt of FOIA requests:

1. Can FOIA requests be made electronically to your agency?

Yes. The IAF has a FOIA-specific e-mail address that directs FOIA requests to the agency's FOIA personnel without any intermediary steps. This e-mail address is checked routinely, which allows for maximum efficiency in response time.

2. If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?

Because the IAF is a very small agency and thus has a very limited FOIA staff, there is only one FOIA component for the entire agency. All IAF FOIA staff members have the capability to receive FOIA requests electronically.

Online tracking of FOIA requests:

3. Can a FOIA requester track the status of his/her request electronically?

Not currently.

3. If not, is your agency taking steps to establish this capability?

Not currently.

Use of technology to facilitate processing of requests:

5. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Not currently.

6. If so, describe the technological improvements being made.

N/A.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests and appeals. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2011 Annual FOIA Report.*

1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

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

No.

b. If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?

N/A.

c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

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2. Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2011 as compared to Fiscal Year 2010. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2010 and Fiscal Year 2011 should be used for this section.

- a. If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?

N/A.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

N/A.

- c. In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?

The agency did not have a backlog in 2010 or 2011.

- d. In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

The agency did not have an administrative appeal backlog in 2010 or 2011.

3. If you answered "no" to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog:

- a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

N/A.

- b. Was the lack of a reduction in the request backlog caused by a loss of staff?

N/A.

- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

N/A.

- d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

N/A.

Administrative Appeal Backlog:

- e. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

N/A

- f. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

N/A.

- g. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

N/A.

- h. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

N/A.

All agencies should strive to both reduce any existing backlogs or requests and appeals and to improve their timeliness in responding to requests and appeals. Describe the steps your agency is taking to make improvements in those areas. In doing so, answer the following questions and then also include any other steps being taken to reduce backlogs and to improve timeliness.

1. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

Yes.

2. Has your agency increased its FOIA staffing?

No.

3. Has your agency made IT improvements to increase timeliness?

No.

4. If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?

N/A.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2011?

No.

2. If so, what is the total number of times exclusions were invoked?

N/A.

Spotlight on Success

Out of all the activities undertaken by your agency since March 2011 to increase transparency and improve FOIA administration, describe here one success story that you would like to highlight as emblematic of your agency's efforts.

The IAF strives to provide citizen-centered, results-oriented services to all FOIA requesters and the agency's response time is almost always within the 20-day statutory limit. For example, in 2011 the agency received one FOIA request that it was able to respond to in six days. The request required coordination between multiple agency offices and was granted in full. After responding, the agency received a thank you note from the requestor.