



## U. S. T R A D E A N D D E V E L O P M E N T A G E N C Y

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### **FREEDOM OF INFORMATION ACT (FOIA) IMPROVEMENT PLAN**

#### **A. Overall nature of agency's FOIA operations**

USTDA is a commercially-oriented agency that receives relatively few FOIA requests per year. USTDA received a total of thirty (30) FOIA requests during FY2005. Last year the median processing time for initial requests was 24.5 days. USTDA does not employ full-time FOIA personnel, but rather utilizes personnel with part-time or occasional duties equal to approximately 15% of one work year. Generally, USTDA utilizes one Information Resource Associate and one Attorney-Advisor to process FOIA requests as part of his or her overall agency responsibilities.

#### **B. List all areas selected for review**

1. Affirmative disclosure under subsection (a)(2)
2. Proactive disclosure of information
3. Overall FOIA Web site improvement
4. Improvement of agency's FOIA Reference Guide
5. Automated tracking capabilities
6. Electronic FOIA – automated processing
7. Electronic FOIA – receiving/responding to requests electronically
8. Multi-track processing
9. Troubleshooting of any existing problems (even minor ones) with existing request tracking
10. Case-by-case problem identification
11. Expedited processing
12. Backlog reduction/elimination
13. Politeness/courtesy
14. Forms of communication with requesters
15. Acknowledgement letters
16. Process by which necessary cooperation is obtained from agency "program personnel"
17. Increased staffing (where applicable)

#### **C. Include narrative statement summarizing results of review**

In order to conduct a thorough review of USTDA's FOIA operations consistent with the policies set forth in Executive Order 13392, USTDA reviewed the implementation guidance provided by the Department of Justice and examined each area listed as a "Potential Improvement Area."

USTDA determined that the following areas should be examined further as Potential Improvement Areas in the USTDA FOIA Improvement Plan: (i) affirmative disclosures under subsection (a)(2); (ii) proactive disclosure of information; (iii) overall FOIA web site improvement; (iv) improvement of agency's FOIA reference guide; (v) electronic FOIA – receiving/responding to requests electronically; (vi) backlog

reduction/elimination; (vii) forms of communication with requesters; and (viii) process by which necessary cooperation is obtained from agency "program personnel." These Potential Improvement Areas are discussed in Sections D and E below.

After careful review, USTDA determined not to include other areas in the USTDA FOIA Improvement Plan. These areas are listed below with a short explanation summarizing the results of the review.

1. Automated tracking capabilities

As an agency that receives very few FOIA requests, USTDA's current FOIA log allows agency personnel to easily track FOIA requests and provide FOIA requesters with status updates in a timely manner. USTDA recently updated its FOIA log, which is now in a more user-friendly format. Upon review of USTDA's automated tracking capabilities, it was determined that it is not an area on which USTDA would focus its improvement efforts, and USTDA would likely not make further changes to either install new or upgrade existing request-tracking systems.

2. Electronic FOIA – automated processing

USTDA currently utilizes scanners to aid in processing many FOIA requests. However, as an agency that receives very few FOIA requests, installing or upgrading current systems for scanning, redacting, and processing FOIA requests would not produce significant improvements in agency FOIA processing or result in increased efficiencies that would warrant such upgrades or purchases.

3. Multi-track processing

USTDA does not currently maintain a multi-track processing system. USTDA discussed the possibility of establishing a multi-track system, but decided that creating a multi-track system would not produce any measurable improvements in USTDA's FOIA processing.

4. Troubleshooting of any existing problems (even minor ones) with existing request tracking

USTDA's current FOIA log allows agency personnel to easily track FOIA requests and provide FOIA requesters with status updates in a timely manner. Any problem that may arise in the request-tracking operations would best be dealt with on an individual basis, and would not likely be solved by generic solutions.

5. Case-by-case problem identification

As an agency that receives very few FOIA requests, any problems or mistakes that may arise in all aspects of an agency's FOIA operations would likely be identified and solved on a case-by-case basis. If a situation arose that would require across-the-board adjustments, USTDA could easily apply such adjustments to USTDA's overall FOIA operations. However, it is not practical for USTDA to establish a practice of automatically considering generic solutions that would be applied to all USTDA FOIA operations due to the relatively few but varied FOIA requests USTDA receives each year.

6. Expedited processing

USTDA receives few, if any, requests for expedited processing each year. USTDA currently is able to determine whether to expedite the handling of a FOIA request within the statutory time period, and is fully compliant with the law and sound policy in this area.

7. Politeness/courtesy

When making a request, a FOIA requester is seeking a service from USTDA and should be treated as such. Accordingly, USTDA currently processes requests and responds to requesters in a courteous and appropriate manner.

8. Acknowledgement letters

USTDA understands the importance for agencies to make FOIA requesters aware of the status of their pending requests. Taking into consideration available resources, personnel constraints, and the relatively small number of FOIA requests USTDA receives each year, USTDA determined that acknowledgement letters would not have a significant positive impact on a FOIA requester's awareness of the status of their request or on the agency's FOIA operations as a whole.

9. Increased staffing (where applicable)

Increased staffing would result in an improvement in overall USTDA FOIA processing. However, taking into consideration available agency resources, including personnel and financial resources, an increase in FOIA personnel is not feasible.

**D. List all areas chosen as improvement areas for agency plan**

1. Affirmative disclosure under subsection (a)(2)
2. Proactive disclosure of information
3. Overall FOIA Web site improvement
4. Improvement of agency's FOIA Reference Guide
5. Electronic FOIA – receiving/responding to requests electronically
6. Backlog reduction/elimination
7. Forms of communication with requesters
8. Process by which necessary cooperation is obtained from agency "program personnel"

**E. For each improvement area provide:**

1. Name
2. Brief statement of goal(s)/objective(s)
3. List of all distinct steps planned to be taken
4. Time milestones
5. Means of measurement of success

1. Affirmative disclosure under subsection (a)(2)

*Brief statement of goal(s)/objective(s)*

5 U.S.C. §552(a)(2) requires agencies to make available for public inspection and copying the following information: (i) final opinions and orders rendered in adjudication of administrative cases, (ii) specific agency policy statements, (iii) certain administrative staff manuals and instructions to staff that affect a member of the public, and (iv) records processed and disclosed in response to a FOIA request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same record.

USTDA will review the agency's policies and practice related to the availability of public information through web sites and other means, including the use of the agency web site to make available records described in section 552(a)(2). USTDA does not maintain any final opinions or orders rendered in adjudication of administrative cases, and therefore need not update the agency web site to include such information. Furthermore, as USTDA receives relatively few FOIA requests, the agency rarely determines that any request has become or is likely to become the subject of subsequent requests for the same record.

*List of all distinct steps planned to be taken*

In order to ensure that USTDA is complying with statutory requirements, USTDA will review those agency policy statements not required to be published in the Federal Register pursuant to 552(a)(1), and update the USTDA web site with any statements deemed necessary for public inspection. USTDA will review administrative staff manuals and instructions to staff that affect a member of the public, and update USTDA's web site with information that is required to be made available for public inspection under section 552(a)(2).

USTDA will take the following distinct steps to improve USTDA affirmative disclosure of information under section 552(a)(2):

- Review agency policy statements not required to be published in Federal Register, administrative staff manuals, and instructions to staff that affect a member of the public.
- If necessary, make policy statements, appropriate staff manuals, and/or instructions to staff available for public inspection and copying (e.g., post on agency web site).

*Time milestones*

By December 31, 2007, USTDA plans to have reviewed agency policy statements not required to be published in the Federal Register, staff manuals and instructions to staff. If necessary, USTDA may make agency policy statements, appropriate staff manuals, and/or instructions available for inspection and copying by December 31, 2007.

*Means of measurement of success*

Agency success in improving USTDA affirmative disclosure of information under section 552(a)(2) will chiefly be measured in terms of qualitative improvement. Although the information that agency's are required to make available for public inspection and copying is not often the subject of FOIA requests to USTDA, review and improvement in this area will ensure USTDA is in compliance with statutory requirements on affirmative disclosure under section 552(a)(2).

2. Proactive disclosure of information

*Brief statement of goal(s)/objective(s)*

Currently, the USTDA web site contains a great deal of information that does not fall into any subsection (a)(2) category. Specifically, the USTDA "Events and Publications" page contains information about USTDA and other government-sponsored events, USTDA brochures, USTDA Annual Reports, and other USTDA publications. Furthermore, USTDA maintains a web page on USTDA "Library Holdings" which allows individuals to electronically search USTDA's library database for completed USTDA-funded studies by region, country, or sector. By making such information more readily available, USTDA could potentially reduce the number of FOIA requests made to the agency.

*List of all distinct steps planned to be taken*

USTDA will take the following distinct steps to improve USTDA proactive disclosure of information:

- Create a link from USTDA FOIA web site to existing USTDA web pages of information. Such links may include connections to USTDA "Events and Publications" and USTDA "Library Holdings" web pages.

### *Time milestones*

By December 31, 2007, USTDA plans to have created a link on the USTDA FOIA web page to other USTDA web pages of information.

### *Means of measurement of success*

Although the information that USTDA could potentially make available for public inspection or copying is the subject of relatively few FOIA requests to USTDA, review and improvement in this area will ensure USTDA is processing FOIA requests in an efficient and appropriate manner. Such proactive disclosure could ensure that public information is available through the USTDA web site, increasing reliance on dissemination of records that can be made available to the public and do not require the public to make a request for records under the FOIA. Agency success in improving USTDA proactive disclosure of information will be measured by the reduction in median days to process FOIA requests and may be measured by any reduction in the number of FOIA requests received annually by USTDA.

### 3. Overall FOIA Web site improvement

#### *Brief statement of goal(s)/objective(s)*

The Electronic Freedom of Information Act Amendments of 1996 ("EFOIA") involves the development and use of agency web sites for FOIA purposes, including FOIA "home pages" maintained by federal agencies. Under the EFOIA, USTDA has specific obligations that it must meet through its FOIA web site. USTDA plans to review the agency web site and look for possible improvement areas that may help the agency continue with effective and efficient maintenance of its FOIA web site, promote other overall FOIA web site improvement, and maintain compliance with the EFOIA.

USTDA currently maintains a FOIA web page accessible from the USTDA home page with a list of the following: (i) the agency's Chief FOIA Officer, (ii) the name and contact information whereby a requester can submit a FOIA request or make FOIA-related inquiries, and (iii) USTDA FOIA Reports from 1998 to the present. USTDA feels that there is room for significant improvement in this area.

#### *List of all distinct steps planned to be taken*

USTDA plans to take the following distinct steps to improve USTDA's FOIA Web site:

- Main FOIA home page improvement: Currently, the USTDA main home page contains a link to "FOIA Reports" which allows immediate access to the subject of the Freedom of Information Act directly from the main home page. USTDA will review the title of this link and determine any changes of the "button" on the home page that may ensure that the user will be able to reach that subject area most efficiently. Specific changes that may be discussed include: change in placement or size of the icon and change of the name of the home page item entry that identifies the FOIA page.
- Addition of FOIA Reference Guide: A primary function of an agency FOIA web site is to make accessible to potential FOIA requesters basic information about the FOIA process at that agency. This function can be served by the FOIA Reference Guide. Currently, USTDA's FOIA Reference Guide is not one of the basic elements included on the FOIA home page. However, USTDA plans to review whether making the FOIA Reference Guide available online may result in FOIA-related improvements.
- Accurate and correct links: One of the most important features of web site design is the ability to "link" to other parts of the agency web site. In order to ensure that all information and links are still accurate and current, USTDA will create a plan (or incorporate such ideas into an existing overall agency web site plan) by which USTDA staff will regularly check the FOIA web site links

for both accuracy and current viability. Furthermore, agency staff will check the text content of the FOIA home page, including descriptions of links, to ensure that everything remains up-to-date.

- FOIA Request Service Center and FOIA Public Liaison Information: As required under Executive Order 13392, USTDA will post appropriate information about its FOIA Request Service Center on the USTDA web site. Such information will include contact information for the USTDA FOIA Public Liaison.

#### *Time milestones*

By December 31, 2006, USTDA plans to have improved USTDA's main FOIA home page and incorporated FOIA Request Service Center information onto the USTDA FOIA web site.

By December 31, 2007, USTDA plans to have updated the USTDA FOIA Reference Guide and posted the FOIA Reference Guide on the USTDA FOIA web site. USTDA will also have checked existing web links and created a means by which USTDA IT personnel can routinely check the links for accuracy and viability.

#### *Means of measurement of success*

The likely measurement of success will be increased public awareness of FOIA processing and USTDA information available online. Along these lines, FOIA requesters may be more informed as to the general process of a FOIA request, public information may be more readily available through the USTDA web site, and USTDA FOIA personnel may spend less time responding to questions and FOIA-related inquiries. These improvements may have a positive, indirect effect on overall agency FOIA processing that may be measured in reduction of the median processing time of FOIA requests.

#### 4. Improvement of agency's FOIA Reference Guide

##### *Brief statement of goal(s)/objective(s)*

Section 552(g) requires all agencies to maintain a FOIA Reference Guide as an aid to potential FOIA requesters. As part of the FOIA Implementation Plan, USTDA plans to review USTDA's FOIA Reference Guide to ensure it is comprehensive and up-to-date. The agency is currently working on updating all USTDA administrative policies and procedures. In order to most efficiently use available agency resources and personnel, updating and improving USTDA's FOIA Reference Guide may be included in the overall agency plan. USTDA may then subsequently publish the updated FOIA Reference Guide on the USTDA FOIA web site, which may help increase the public awareness of FOIA processing and facilitate public understanding of the purposes of the FOIA's statutory exemptions.

##### *List of all distinct steps planned to be taken*

USTDA will take the following distinct steps to improve USTDA's FOIA Reference Guide:

- Review USTDA FOIA Reference Guide.
- If determined to be a desired improvement area, update USTDA FOIA Reference Guide.
- If determined to be a desired improvement area, post USTDA FOIA Reference Guide on the USTDA FOIA web site.

#### *Time milestones*

By December 31, 2007, USTDA plans to have reviewed and updated the USTDA FOIA Reference Guide. If appropriate, by December 31, 2007, USTDA plans to have posted the USTDA FOIA Reference Guide on the USTDA FOIA web site.

### *Means of measurement of success*

The measurement of success will be in increased public awareness of FOIA processing. Along these lines, USTDA FOIA personnel will spend less time explaining to a requester the requirements for making a proper FOIA request or USTDA procedure for responding to requests. Such improvements may have a positive, indirect affect on overall agency FOIA processing that may be measured in reduction of median processing time of FOIA requests.

### 5. Electronic FOIA – receiving/responding to requests electronically

#### *Brief statement of goal(s)/objective(s)*

USTDA plans to examine the agency's use of information technology in responding to FOIA requests, including communication with requesters. In the review, the agency may focus on ways by which FOIA personnel can more effectively use the internet and email to respond to FOIA requests. USTDA goals for improvement in this area include increased agency use of the internet to receive, respond to, and process FOIA requests.

#### *List of all distinct steps planned to be taken*

USTDA will take the following distinct steps to improve USTDA's use of information technology to receive and respond to requests electronically:

- Review USTDA use of the internet as a means of receiving and responding to FOIA requests.
- Evaluate agency use of scanning technologies to respond to FOIA requests.

#### *Time milestones*

By December 31, 2006, USTDA plans to have reviewed existing agency use of the internet and scanning technologies for receiving and responding to FOIA requests.

### *Means of measurement of success*

By utilizing information technology to receive and respond to requests electronically, USTDA FOIA personnel can reduce the time spent responding to FOIA requests, which could lead to more expeditious processing of requests, and potentially decrease the agency backlog and/or median processing time of FOIA requests.

### 6. Backlog reduction/elimination

#### *Brief statement of goal(s)/objective(s)*

Consistent with available agency resources and taking into account the FOIA requests currently pending with USTDA, the agency will seek to identify ways to eliminate or reduce its FOIA backlog. USTDA's goal for improving agency disclosure of information is to make the processing of FOIA requests more streamlined and effective. USTDA seeks to reduce, and eventually eliminate, its FOIA backlog by improving other FOIA-related areas that may have an indirect effect on backlog, as well as by implementing specific mechanisms by which the agency can focus on reducing and eliminating backlog.

One USTDA objective is to focus on accountability of FOIA personnel. Initially, USTDA plans to review current guidelines on processing requests and make any needed modifications. These guidelines may serve as a way by which agency FOIA personnel may better manage the processing of FOIA requests, as well as a means by which agency FOIA personnel could be better held accountable for timeliness of

responses. By keeping FOIA personnel accountable for processing requests, USTDA hopes to place increased emphasis on the importance of processing FOIA requests in a timely manner.

*List of all distinct steps planned to be taken*

USTDA plans to take the following distinct steps to reduce and/or eliminate USTDA FOIA backlog:

- USTDA plans to review any present guidelines on internal processing deadlines for FOIA requests, and make any necessary adjustments or improvements.
- USTDA plans to review the value of creating a "FOIA Brief" which would serve as a mechanism by which FOIA personnel could brief the Chief FOIA Officer (or other FOIA personnel designated by the Chief FOIA Officer) at specified intervals as to the status of the FOIA backlog.
- Once the FOIA Brief process is established, the FOIA Brief may continue even after FOIA backlog has been eliminated. This may ensure that the agency continues to process FOIA requests in an efficient and responsive manner.

*Time milestones*

By December 31, 2006, USTDA plans to have significantly reduced its backlog. However, complete backlog elimination, as well as any statistical or quantitative measurements of such improvements may not be available until publication of USTDA's FY2007 Annual FOIA Report. By December 31, 2007, USTDA plans to have eliminated its backlog.

*Means of measurement of success*

Success will be measured quantitatively by any decline in the median processing time of USTDA FOIA requests, reduction in the number of FOIA requests pending at the end of the preceding fiscal year, and decrease in agency backlog.

7. Forms of communication with requesters

*Brief statement of goal(s)/objective(s)*

When making a request, a FOIA requester is seeking a service from USTDA and should be treated as such. USTDA has done a satisfactory job communicating with FOIA requesters about their request. However, there may be room for improvement in this area. USTDA plans to review communications with requesters to ensure clarity and responsiveness throughout all stages of a FOIA request. USTDA plans to identify ways in which USTDA can improve agency communication with requesters.

*List of all distinct steps planned to be taken*

USTDA plans to take the following distinct steps to improve USTDA communication with requesters:

- Review sample letters to ensure that all communications with requesters from the agency are clear and informative.
- Make any needed modifications to existing sample letters.
- Create sample letters for any communications that occur on a frequent basis, but which are not currently available in sample form.
- Examine the benefit of agency FOIA personnel making an "acknowledgement phone call" to a FOIA requester.



### *Time milestones*

By December 31, 2006, USTDA plans to have reviewed and updated all existing sample letters and created new letters for any needed correspondence not currently available in sample form. By the same date, USTDA plans to have examined the benefit of agency FOIA personnel making an "acknowledgement phone call" to a FOIA requester.

### *Means of measurement of success*

Agency success in improving USTDA's communication with requesters will chiefly be measured by increased public interaction of USTDA FOIA personnel with FOIA requesters, which may lead to increased public awareness of FOIA processing through clear and informative communications.

## 8. Process by which necessary cooperation is obtained from agency "program personnel"

### *Brief statement of goal(s)/objective(s)*

USTDA depends on "program personnel" for locating responsive records and processing them in an efficient manner. As the "program personnel" have primary missions that are not FOIA-related, USTDA wishes to cooperate with agency personnel in order to improve their ability to provide FOIA-related assistance. USTDA seeks to improve the process by which FOIA personnel obtain cooperation from agency "program personnel," providing additional training to all agency personnel with respect to search procedures, as well as obtaining cooperation from the USTDA IT personnel on more efficient electronic search mechanisms.

### *List of all distinct steps planned to be taken*

USTDA plans to take the following distinct steps to improve the process by which USTDA obtains necessary cooperation from agency "program personnel":

- Establish written guidelines to provide guidance to "program personnel" on best practices on searching for documents in response to a FOIA request.
- Train "program personnel" on completing searches for electronic records.
- Examine ways by which USTDA IT personnel can be utilized to improve FOIA searches for electronic documents.

### *Time milestones*

By December 31, 2006, USTDA plans to have established written guidelines and trained "program personnel" on electronic searches. By December 31, 2006, USTDA plans to have examined ways by which USTDA IT personnel can be utilized to improve FOIA searches for electronic documents.

### *Means of measurement of success*

The likely measurement of success will be in the ease and accuracy by which "program personnel" are able to search for documents electronically in response to a FOIA request. Success will also be measured by the quality of searches available to USTDA FOIA personnel as a result of consultation with USTDA IT personnel and any suggested improvements or mechanisms by which personnel can utilize electronic searches.

**F. For the entire plan, group the improvement areas into the following time periods:**

1. Areas anticipated to be completed by December 31, 2006
  - Electronic FOIA – receiving/responding to requests electronically
  - Forms of communication with requesters
  - Process by which necessary cooperation is obtained from agency “program personnel”
2. Areas anticipated to be completed by December 31, 2007
  - Affirmative disclosure under subsection (a)(2)
  - Proactive disclosure of information
  - Overall FOIA Web site improvement
  - Improvement of agency’s FOIA Reference Guide
  - Backlog reduction/elimination
3. Areas anticipated to be completed after December 31, 2007

N/A