

U.S. Department of Housing and Urban Development



Review, Plan and Report on HUD's Freedom of Information Act Operations

**Prepared by the General Counsel
(Agency Chief FOIA Officer)
Pursuant To Executive Order 13392
Issued December 14, 2005**

**AS SUBMITTED TO
THE ATTORNEY GENERAL AND
DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET
ON JUNE 14, 2006**



**FOREWORD
BY THE GENERAL COUNSEL
(AGENCY CHIEF FOIA OFFICER)**



The effective functioning of our constitutional democracy depends upon the participation in public life of a citizenry that is well informed. For nearly four decades, the Freedom of Information Act (FOIA) has provided an important means through which the public can obtain information regarding the activities of federal agencies such as the Department of Housing and Urban Development (HUD). Under the FOIA, the public can obtain records from HUD, subject to certain exemptions enacted by the Congress to protect information that must be held in confidence for the government to function effectively or for other purposes. The FOIA is an essential part of our democracy and compliance with the FOIA is one of the means of maintaining an open and accountable system of government.

On December 14, 2005, President George W. Bush issued Executive Order 13392, entitled “Improving Agency Disclosure of Information.” The purpose of the Executive Order is to require federal agencies to review and improve their FOIA operations and the processing of FOIA requests. When fully-implemented, the requirements of the Executive Order will improve the transparency, responsiveness and efficiency of the government and will result in a citizenry that is more informed than ever of the operations and activities of its government.

The Executive Order imposes certain review, planning and reporting requirements on federal agencies to achieve this objective. The Executive Order requires, among other things, for each agency head to appoint a Chief FOIA Officer and for that officer to conduct a review of the agency’s current FOIA operations to determine if those operations are consistent with the policies and goals of the Executive Order. The Executive Order also requires each agency’s Chief FOIA Officer to develop, in consultation with agency staff, the Attorney General, and the Director of the Office of Management and Budget, an agency-specific plan to ensure the agency’s administration of the FOIA is in accordance with applicable law and the policies and goals set forth in section 1 of the Executive Order.

At HUD, we are committed to more than just compliance with the Executive Order and other law applicable to the FOIA. Among other things:

- We are committed to working with our FOIA requesters, and the public in general, to continuously improve our FOIA operations;
- We are committed to processing FOIA requests in an efficient, timely, and appropriate manner and to continuously achieving tangible, measurable improvements in FOIA processing;
- We are committed to responding to, and servicing, our FOIA requesters in a courteous, polite, and respectful manner;

- We are committed to providing FOIA requesters, and the public in general, with citizen-centered ways to learn about the FOIA process;
- We are committed to providing FOIA requesters, and the public in general, with timely information about agency records that are publicly available;
- We are committed to providing FOIA requesters, and the public in general, with timely information and about the status of an individual's FOIA request and appropriate information about the agency's response;
- We are committed to substantially increasing the number of agency documents, particularly those that are frequently-requested, made available on our website so that the public does not need to resort to a FOIA request to gain access to these agency documents and to making those documents available in an organized and intelligible manner;
- We are committed to a proactive and thoughtful approach to information disclosure;
- We are committed to the use of technology to track, and expedite the processing of, FOIA requests;
- We are committed to utilizing creative and innovative approaches to substantially reduce the backlog of FOIA requests;
- We are committed to improving communication with our FOIA requesters and to more proactively understanding and clarifying FOIA requests; and
- We are committed to a citizen-centered and results-oriented approach.

As the designated Chief FOIA Officer for HUD, I am pleased to submit this report, which includes the commitments listed above and presents the review of HUD's current FOIA operations, as required by section (3)(a) of the Executive Order, and the proposed plan, as required by section 3(b) of the Executive Order. This report is directed to ensuring that HUD's administration of the FOIA is not only, at a minimum, in compliance with the law and the policies set forth in the Executive Order, but also that HUD strives to continuously improve its FOIA operations and exceed the expectations of its FOIA requesters.

This plan has been approved by Secretary Alphonso Jackson and Deputy Secretary Roy Bernardi. Under their leadership and with their continuing support, implementation of this plan will transform HUD's current FOIA operation into the type of operation contemplated by the President Bush's Executive Order - one that is citizen-centered and results-oriented.

Keith E. Gottfried
 General Counsel
 (Agency Chief FOIA Officer)
 June 14, 2006

Review of HUD's Current FOIA Operations and Results of the Review

A. Overall Nature of HUD's FOIA Operations

Organizational Structure. The current organizational structure of FOIA operations at the Department of Housing and Urban Development (HUD) is of relatively recent origin. Prior to 1996, the Headquarters FOIA Division, then consisting of the administrative staff that process FOIA requests, was part of the Office of the Executive Secretariat. Legal counsel to the FOIA Division was found in the Office of General Counsel (OGC). In 1996, the FOIA Division was relocated from the Office of the Executive Secretariat to the OGC Litigation Office, combining in one office the administrative functions and the legal advisory functions. (See flow chart as attachment A.)

Decentralized FOIA Operations. HUD's FOIA operations are decentralized, due to the decentralized nature of various program areas and the consequent geographic dispersion of documents responsive to FOIA requests. The HUD officials who have primary responsibility for the administration of program areas are located at HUD Headquarters in Washington, D.C. Numerous programs, however, are administered at the local level through 10 Regional Offices, headed by Regional Directors who oversee the operation of all HUD program areas in their jurisdiction. In addition, certain program areas and functions have been centrally sited in areas outside of Washington D.C. For example, single family home ownership programs are operated by HUD "Home Ownership Centers" (HOCs) located in Atlanta, GA, Philadelphia, PA, Santa Ana, CA, and Denver, CO. HUD's National Servicing Center, which provides lender assistance and asset management functions, is centrally located in Oklahoma City, OK, and HUD's Employee Service Center (containing all employee records) is sited in Chicago, IL. HUD's debt collection activities related to home improvement loans and manufactured housing are operated out of a HUD center in Albany, NY. Transactional documents, such as documents relating to closings on HUD's multifamily properties, are located in over 50 local HUD field offices nationwide. The geographic dispersion of records that results from this decentralized organizational structure presents some unique challenges with respect to the management of HUD's FOIA operations and to providing a uniform approach to how FOIA requests are addressed.

Headquarters FOIA Operation. HUD's primary FOIA operation is located in the FOIA Division of the OGC Office of Litigation. The Division is comprised of three attorneys (an Assistant General Counsel, Deputy Assistant General Counsel and a staff attorney), nine FOIA Specialists and four administrative support personnel. The FOIA Specialists review incoming FOIA requests, provide the requestor with an acknowledgment of the request, determine whether documents are likely to be located at Headquarters, and either initiate a

search at HUD Headquarters' program offices or refer the request to a Regional, Field, or non-Headquarters program-specific office, as appropriate. The FOIA Specialists also have responsibility for reviewing the program office's recommendation concerning the releasability of documents, redacting material subject to FOIA exemptions, and preparing a draft response letter to the requester. The four support staff personnel at Headquarters are responsible for logging in the almost 2,000 FOIA requests received at Headquarters annually, including inputting pertinent information into an electronic tracking system. Support staff also physically deliver the paper copy of the FOIA request to the pertinent Headquarters program office, send out acknowledgment letters to requesters, send out form responses for routine and repetitive FOIA requests, and perform ancillary functions, such as filing, record archiving, and time and attendance.

The Headquarters FOIA attorneys handle all legal issues related to Headquarters FOIA requests, including researching and reviewing issues related to the applicability of exemptions, resolving fee waiver determinations, deciding requests for news media status, and responding to questions from Headquarters program staff. FOIA attorneys are responsible for resolving all issues that arise within Headquarters regarding responsiveness and adequacy of search by Headquarters offices. In addition, the Headquarters FOIA legal staff serves in an advisory role to the over 60 decentralized HUD offices, responding to challenging questions on processing, applicability of exemptions, interpretation of the FOIA, and the handling of non-routine FOIA requests. The Headquarters FOIA attorneys are also responsible for supervising the Headquarters FOIA Specialist processing staff, including the review and editing of all of the approximately 2,000 FOIA response letters sent by Headquarters annually. All FOIA responses are signed by the Assistant General Counsel of the FOIA Division. Supervisory duties performed by two of the three attorneys in the Headquarters FOIA Division include assignment of cases to the FOIA Specialists, preparation of performance appraisals, progress reviews and all other personnel functions related to supervision of the 13 non-attorneys in the FOIA Division.

HUD Field FOIA Operations. HUD's FOIA operations outside of Headquarters are not administered or supervised by OGC. Each Regional Director has responsibility for FOIA requests related to documents physically located within either the Regional Office or state field offices within the Regional Office's jurisdiction. While this decentralized approach was apparently aimed at avoiding the transmission (and potential for loss of) documents between HUD offices, the decentralized structure has created some challenges for efficient FOIA administration. One challenge is the lack of uniformity in the manner in which FOIA requests are handled by the various Regional Directors. In some cases, an employee at the Regional level oversees FOIA operations in the region's field offices. In other cases, all FOIA responsibility has been delegated to the field office level. Another challenge is that the HUD field employees charged with performing document searches and preparation of FOIA responses are not all staff of the same office. Field employees handling FOIA requests belong to HUD's Office of Field Policy and Management, HUD's Office of Public Affairs or one of HUD's program offices. For all of these employees, responding to FOIA requests is generally an ancillary duty. There is, in fact, no position description for a FOIA

liaison or any other FOIA-related position in the field. A position description for a field office FOIA liaison would assist in establishing consistency in how FOIA responses are handled in the field and the level of responsibility for the FOIA responses. In addition, because HUD employees handling FOIA requests in the field are not all part of the same office, there is no single chain of command for HUD field FOIA staff as is the case at Headquarters. This variation in authority and staffing for HUD field FOIA operations presents significant accountability issues and results in a general lack of uniformity and consistency in the processing of FOIA requests throughout HUD, not solely in the field.

B. List of Areas Selected for Review

Based on areas of FOIA operations recommended for review in the Implementation Guidance on Executive Order 13392 of the Office of Information and Privacy of the Department of Justice, HUD selected the following areas for review:

1. Affirmative and proactive disclosure of information.
2. Overall website improvement.
3. Improvement of HUD's FOIA reference guide.
4. Automated tracking capabilities.
5. Backlog reduction.
6. Politeness/courtesy.
7. Process for obtaining cooperation from HUD "program personnel."
8. Additional training.
9. Increased staffing or staffing reallocation.
10. Contracting out/hiring of contract employees.
11. Organizational realignment.
12. Processing of appeals.
13. Communications with requesters.

C. Results of Review

1. Affirmative Disclosure and Proactive Disclosure of Information.

A review of HUD's affirmative and proactive efforts to disclose information that should be publicly available without the necessity of a FOIA request revealed that this is an area in which considerable improvement could be made. Program areas, for the most part, are not sufficiently proactive in making public information readily available and accessible in a timely fashion. A review of program area postings on HUD's website revealed that a substantial amount of informational material on utilization of HUD programs, such as application procedures or references to resource materials, are currently made available through HUD's website. Documents also readily available on HUD's website include Federal Register notices, handbooks, various directives, including mortgagee letters of the Federal Housing Administration (FHA), direct notices to constituents, and other official issuances. However, these official issuances are rarely the subject of FOIA requests. Program websites currently contain little of the substantive information that is frequently the subject of a FOIA request.

One example of frequently requested information under FOIA is information about a successful grant proposal. In any given year, HUD may receive approximately 200 FOIA requests for information about a grant proposal that was successful in securing a grant award from HUD. Under the Department of Housing and Urban Development Reform Act of 1989, applications for HUD funds competitively distributed are required to be made available for public inspection (with any personal identifying or proprietary information redacted) after the competition has concluded and the grant awarded. While security-related concerns at HUD Headquarters and other HUD offices would render an in-person physical inspection of an award-winning application difficult, posting of successful grant proposals would enable prospective grant applicants to quickly download a successful grant proposal, thereby eliminating the need for the processing of a FOIA request. Coordination between HUD's program offices and HUD's Office of Grants Management and Oversight in the Office of Administration to release on a timely basis successful grant awards would not only result in proactive disclosure of information under FOIA but would also enhance the quality of applications submitted pursuant to HUD's grant process.

Another example of frequently requested information that is appropriate for proactive disclosure was found in the fair housing context. At various stages in the fair housing complaint process, the Department is required by statute and/or regulation to publicly disclose certain information. For example, the Department's regulation at 24 C.F.R. § 103.400 requires the Assistant Secretary for Fair Housing and Equal Opportunity to either issue a no reasonable cause determination or a reasonable cause determination at the conclusion of a fair housing investigation. Where a no reasonable cause determination has been issued, the regulation requires the Assistant Secretary to issue a written statement of facts upon which the determination was made, dismiss the complaint, notify the parties of the dismissal (including the written statement of facts), and make public disclosure of the

dismissal. Although under the regulations, a party can request that no public disclosure be made, the regulations also require that, at minimum, the names of the parties must be disclosed upon request. To comply with the regulation, the Department could proactively post the names of the parties to a Fair Housing Act no reasonable cause determination and the dismissal action on HUD's website. Such posting would allow persons interested in the outcome of a Fair Housing Act complaint to locate, on their own, the dismissal action and party names on HUD's website without having to file a FOIA request, or HUD staff could direct interested persons to this electronically posted information upon inquiry. Removing the need for the public to access this information through submission of a FOIA request would save substantial time and resources not only for the FOIA Division and HUD program office staff, but also for the public who would then have ready access to the information.

Other frequently requested materials include HUD affordable housing data, lists of FHA-approved lenders by geographic region, lists of FHA multifamily unit properties, lists of HUD purchase credit card holders, and physical inspection reports issued by HUD's Real Estate Assessment Center (REAC). Each of these categories of documents should be reviewed for a determination of whether any information contained in these documents cannot be disclosed, and a protocol can then be established for routine, systematic electronic dissemination of all the information contained in these documents or those portions that can be disclosed.

Longstanding practices and biases against public disclosure within many HUD offices inhibit the affirmative disclosure of information, even information that is appropriate for public disclosure. Many HUD offices require that a request for documentary material be considered a FOIA request and referred to the FOIA Division. While this practice may have originated out of an abundance of caution from inadvertent disclosure of confidential or privileged documents, it has resulted in (1) program offices failing to promptly release documents to the public that are appropriate for public disclosure, and (2) a substantially increased burden on the FOIA Division, which must handle routine requests for documents that should already be publicly available.

To reverse this practice and in the interest of more proactive disclosure of information, HUD program offices should begin proactively alerting the Chief FOIA Officer, on a weekly basis, of "high profile" issues that may result in the receipt of possibly numerous FOIA requests. A process should be established for proactively making documents publicly available on matters of current interest to the public, or to constituents and stakeholders in HUD programs. Examples of such "hot button" areas that may be the subject of proactive disclosure to the public include Gulf Coast Hurricane relief efforts, Federal Housing Administration reforms, Community Planning and Development initiatives, Mortgagee Review Board matters, and high-profile litigation and enforcement matters. In addition, outreach to media outlets by HUD's Office of Public Affairs should be included as part of HUD's proactive disclosure on "hot button" issues.

The absence of greater proactive steps to affirmatively make information available to the public appears to be due, in part, to a decrease in HUD staffing in all offices resulting from staffing ceilings, retirements, and the challenge in prioritizing HUD mission-fulfillment duties with other duties and responsibilities. Duties and responsibilities under FOIA, however, are equally important, mandated by statute and, since December 2005, Executive Order 13392, are a priority of the President. Greater proactive efforts to disclose information to the public and enhance transparency of agency operations will necessitate increased support and attention from program officers and agency leadership. HUD's leadership must also ensure that compliance with FOIA is recognized as a departmental priority and that the resources necessary to improve this area of FOIA operations are available.

2. Overall Website Improvement.

HUD's FOIA website currently contains accurate and useful information on how to file a FOIA request, as well as some basic user-friendly information on the FOIA process. The HUD website also contains the required electronic reading room with a link to a "Frequently Requested Materials" section. The Frequently Requested Materials section contains a list of 17 items, which provide useful information to those seeking information on HUD programs; for example, one of the links, which is very helpful to the public is entitled "Talking to a Housing Counselor." This link provides a list of HUD-approved housing counseling agencies that a homeowner or home purchaser may contact to obtain assistance with financial circumstances that may affect home purchase or mortgage payments. The listed "Frequently Requested Materials," however, requires substantial updating and enhancement to capture information that is more recently the subject of repeated FOIA requests. Because HUD program offices primarily control the data and documents that must be linked to the Frequently Requested Materials section of the FOIA website, the commitment, support, involvement, and dedication of resources by program offices is essential to the improvement and enhancement of HUD's electronic reading room. Not only must program offices increase the scope of material posted electronically, but they must also conduct regular reviews and maintenance to ensure that posted data continues to be accurate, timely and relevant.

HUD's website should also be revised to make it more user-friendly, accessible and easier to navigate. Changes in layout and format may make posted material easier to locate and review. A detailed index of all documents available on the website should be created and posted. Inclusion of a detailed index of all documents posted on HUD's website may result in the reduction of FOIA requests, as requesters may quickly be able to download the information that they need. Organization of this index by program office, with numerous cross-references, would make the website more user-friendly. Ideally, the website would list all of the programs offices at HUD, with an index and link under each program office indicating the documents posted on that program office's website (e.g. "Office of Public and Indian Housing", "- list of public housing authorities by state" etc.).

In the current link to Frequently Requested Materials, information should be organized by program office. Specific postings related to “hot button” issues should also be highlighted, making it easier for the public and HUD stakeholders to locate current information of interest. There should also be an established protocol for identification of “Frequently Requested Materials.” For example, the first request for a “hot button” document should trigger the electronic posting of the document, while three or more routine requests for a document may be established as the threshold for identification of a document as “Frequently Requested.”

Additional information on the FOIA process could also be included on the website, including a sample FOIA request letter, expected response times, information on the FOIA appeals process with a sample appeals letter, and specific information on which FOIA requests should be directed to Headquarters and which should be directed to the field offices. A specific list of documents maintained at Headquarters and the type of documents maintained in each of the field offices should be posted. FOIA program contacts for each program area could also be identified, and information on filing a Privacy Act request could be included. The FOIA website should also inform potential requesters that the Office of Federal Housing Enterprise Oversight (OFHEO) and the Office of the Inspector General (OIG) have independent FOIA authority, and provide the names and contact information for OFHEO and OIG FOIA liaisons, as well as all program and field office FOIA liaisons.

Constraints on the expansion of the electronic reading room are posed by the current resource limitations of the FOIA Division. The maintenance of the FOIA website is currently the responsibility of OGC, which has one full-time employee to handle all web-based issues of OGC, including on-line legal research requirements, attorney access issues, and web postings specific to OGC. An OGC employee who has other significant responsibilities is unable to undertake the work, without sufficient assistance, to improve HUD’s FOIA website and electronic reading room.

The organizational unit with overall responsibility for HUD’s information technology (IT) resources is the Office of the Chief Information Officer (OCIO). Transfer of FOIA web support functions to OCIO may have the potential to ensure that adequate resources and the necessary core competencies are available to expand, enhance and maintain the Department’s FOIA website and electronic reading room. OCIO currently has outside contractors in place, tasked with electronic posting of materials on HUD’s website. OCIO personnel are also experienced in coordinating with program offices throughout HUD to make materials available electronically. Commitment of the necessary IT resources for improvement of the FOIA website may be better assured by assigning responsibility of this function to OCIO.

3. Improvement of HUD’s FOIA Reference Guide.

The Electronic FOIA Amendments Act of 1996 (E-FOIA) requires each agency to maintain a FOIA Reference Guide to aid potential requesters in the submission of FOIA requests.

While HUD's FOIA website contains adequate information concerning the requirements and procedure for submission of a FOIA request, the information on the website is not comprehensive and can be improved. Notably, E-FOIA requires that the FOIA Reference Guide include "an index of all major information systems of the agency," which does not appear on the HUD FOIA website. In addition, the FOIA Reference Guide should contain a comprehensive index and concise summary as to the various types and categories of public information available from the agency without filing a FOIA request, as well as a description of the various fees and fee categories applicable to FOIA requests. In this regard, one effort currently underway to improve FOIA operations is the revision of HUD's FOIA fee waiver regulations. The FOIA Reference Guide should also be made available in paper format to anyone who requests it.

4. Automated Tracking Capabilities.

Incoming FOIA requests at Headquarters are currently logged into HUD's automated correspondence tracking system referred to as ACORN, which has been in operation for 20 years. The ACORN system records the receipt date of the FOIA request, and the date the request is sent to each program area for a document search. Similarly, the program area enters the date the request is "logged out" and returned to the FOIA Division, once a search for responsive documents has been completed. The ACORN system contains a due date, allowing reports to be generated on overdue responses to FOIA requests, which can then be sorted by program area. The ACORN system functions relatively well at Headquarters, allowing a FOIA Specialist to quickly ascertain which program area(s) are working on the request, whether documents have been received, and whether the response is overdue. The system provides all of the essential functions necessary to respond to status inquiries from FOIA requesters. The ACORN system is not used uniformly, however, in the field offices. Some field offices use their own tracking systems for FOIA requests, which can make it difficult for the FOIA Division to respond to complaints about delayed replies to FOIA requests, or determine whether a request has been received in multiple locations. Clearly, there is a need for the implementation of a uniform automated correspondence tracking system.

The Headquarters FOIA Division also has an automated tracking system known as the "FOIA Management System" (FMS), which is currently used by the FOIA Division to scan and create a record of incoming FOIA requests. While the system has been useful at times in generating a scanned copy of a FOIA request that is lost or misplaced, it has proven to be of little utility in expediting FOIA responses. As originally conceived, FMS was intended to enable program offices to scan copies of responsive documents, obviating the need for providing paper copies to the FOIA Division. In addition, the FMS system has a redact feature, enabling FOIA Specialists to perform electronic redaction of scanned documents. The system has never been used for these purposes due, in part, to the reluctance of program offices to scan documents, and the difficulty presented by the redact feature itself.

The ACORN system is 20 years old, antiquated and does not meet all of the FOIA-related needs of HUD. The FOIA Division is in preliminary discussions concerning options to replace ACORN with a more modern, efficient, productive and user-friendly software system that possesses the functionalities necessary for making needed improvements to the FOIA system outlined in this report.

At the present time, FOIA processing at HUD Headquarters is essentially a paper operation. The FOIA request is hand-carried to the pertinent Headquarters offices for document search. The HUD office then hand carries a paper recommendation (signed by the appropriate HUD official), along with hard copies of any documents responsive to the request, to the FOIA Division. Reliance on a paper system results at times in FOIA files being lost by HUD offices. A lost hard copy file necessitates the FOIA Division providing the applicable HUD office with a duplicate copy of the FOIA request, and waiting for the HUD office to reproduce the lost file, which results in late responses.

Replacement of the ACORN system at HUD offers an opportunity to improve processing efficiency by eliminating many of the inefficiencies of the current system. In addition, there is the opportunity to include additional functionality, such as electronic acknowledgement of HUD's receipt of a FOIA request, electronic communications to obtain information needed to clarify and/or narrow a request, on-line access to requestors seeking the status of their FOIA requests, as well as on-line fulfillment of FOIA requests. OCIO staff, with their technology expertise, should be assigned the lead with reviewing options for a replacement FOIA tracking system. OCIO can also best assess the need for additional hardware to support a new automated tracking system. Particular attention is needed to determine whether a replacement system allows for scanning of responsive documents into a central repository, or the inclusion of links to website postings. Selection of a replacement FOIA tracking system with adequate document management capabilities may increase the need for documents not available electronically to be scanned, and responsibility for scanning will need to be coordinated by OCIO with HUD offices that have documents responsive to the requests. Purchase of new equipment needed to support a replacement tracking system, including any new scanning equipment, should also be considered.

5. Backlog Reduction.

The Headquarters FOIA Division typically has had a backlog of between 400 and 500 pending FOIA requests that exceed the 20-day statutory period for response. While data on the backlog in the field is not currently maintained, the field offices appear to process FOIA requests more efficiently with a median processing time of 21 days for simple requests and 35 days for complex requests, compared to Headquarters' median processing time of 65 days for simple requests and 160 days for complex requests. As will be more fully discussed later in this report, Headquarters' inability to promptly reduce its backlog is primarily due to decreased staffing, combined with a 38% increase in the number of FOIA requests received since 2002. Delays are also attributable to HUD program offices not responding to search requests within established time limits. At times, delays may also be attributable to the

request being incomplete or not providing the information necessary to process the request. Measures that need to be examined to reduce Headquarters' backlog include increased staffing, use of outside contractors, as well as the possibility of contracting out portions of HUD's FOIA processing operations.

Creative measures for the processing of persistently backlogged requests should also be explored. Such measures could include team processing, goal setting and positive incentives. A monthly "FOIA backlog" meeting with applicable program offices could also be organized to "attack" the backlog.

6. Politeness/Courtesy.

Review indicates that HUD is currently doing a good job in initial communications with FOIA requesters. At Headquarters, an acknowledgement of receipt is routinely mailed within ten days of HUD's receipt of a FOIA request. This acknowledgement letter contains, a tracking number to be used by the FOIA requester in future correspondence, an estimate of when the requester can expect a response and the name and telephone number of the FOIA Specialist at Headquarters who will be processing the request. If a FOIA request is complex or confusing, the requester is sent a "clarification" letter, asking that the request be clarified or narrowed to expedite processing.

Inquiries regarding the status of individual FOIA requests at Headquarters are routed to the FOIA Specialist assigned to the FOIA request. The FOIA Specialist is generally at the GS-11 or GS-12 level. Inquiries concerning the process for submission of a FOIA request are handled by FOIA support personnel. From time to time, complaints are received by FOIA Division managers, both from program offices and from requesters, about the customer-service orientation of particular employees. Most of the complaints relate to the failure of FOIA Specialists to timely return telephone calls. Complaints regarding discourteous responses, as well as those regarding lack of response necessitate the involvement of the two GS-15 attorneys supervising the non-attorney processing staff. The consequent diversion of legal resources impedes efficient FOIA response times. Formal training of the FOIA Specialists in customer service-centered communication is necessary to attain the citizen-centered focus required by the Executive Order.

To fully comply with the Executive Order, HUD must establish a FOIA Requester Service Center at Headquarters to serve as a first point of contact for FOIA requesters seeking information about the status of the person's FOIA request and about the processing of FOIA requests. Given the current organizational structure of HUD's FOIA operations, HUD established its first FOIA Requester Service Center within the FOIA Division at HUD Headquarters. HUD Headquarters receives the largest volume of FOIA requests in the Department, with 1,604 of the Department's 4,227 FOIA requests received at Headquarters in calendar year 2005. Supervisory attorneys in the FOIA Division are currently handling all customer service-related complaints concerning Headquarters' responsiveness and lack of customer service by the FOIA Specialists. Although the

functions of the Headquarters FOIA Division make it currently the appropriate location for the FOIA Requester Service Center, as more fully discussed below, the FOIA Division is not a suitable permanent location for the Headquarters FOIA Requester Service Center. HUD has an immediate need to hire a FOIA Requester Service Center Director to supervise Headquarters FOIA processing operations. The FOIA Requester Service Center Director would not only address immediate customer-service concerns, but also provide needed continuity during the transfer of administrative processing functions to an organizational unit outside of OGC. In addition, the FOIA Requester Service Center Director would have responsibility for using information gained from the Service Center's operations, to improve FOIA operations and responsiveness.

The legal staff in the FOIA Division also handle complaints from requesters who are experiencing delays in obtaining requested documents from the field offices. The Headquarters FOIA staff are frequently unable to effectively respond to these inquiries and complaints because, as noted earlier in this report, FOIA operations in the field are not under the jurisdiction or supervision of OGC. In addition, not all of the field offices use the same automated tracking system or processing procedures for FOIA as Headquarters. HUD has already acted to address these consistency issues by identifying a specific individual in every field office who will head the FOIA Requester Service Center for that office, as required by the Executive Order. Pending a decision on a potential organizational realignment of the FOIA Division, HUD's Deputy Secretary has directed all HUD Regional Directors to identify supervisory personnel who will act as FOIA Public Liaisons for their region, to whom requesters may direct concerns about the service they have received from the field FOIA Requester Service Center. In connection with the potential organizational realignment, HUD will also be considering the use of a national call center team, to resolve requester concerns.

Finally, the Chief FOIA Officer should immediately begin scheduling public forums to receive comments on improving FOIA performance. Such forums will enable requesters to voice their concerns about FOIA processing, including concerns about customer service and responsiveness. The dates and times of public forums on FOIA should be appropriately publicized, including being posted on the FOIA website, and the forums should be facilitated in cooperation with HUD's Office of Public Affairs.

7. Process for Obtaining Cooperation from HUD "Program Personnel."

Currently, initial communications with Headquarters program offices regarding FOIA requests are made by the FOIA Division. Follow-up communications with program offices emphasizing the need for timely responses to FOIA requests have been made by the Assistant General Counsel for FOIA, who is the head of the FOIA Division. These communications, however, have not measurably increased the timely submission of FOIA responses. Increased compliance with internal FOIA deadlines will require direct communication from agency leadership to HUD's program offices regarding the importance of prioritizing timely compliance with FOIA, as contemplated by the President's Executive

Order. This compliance necessitates management's direct involvement in efforts to improve affirmative and proactive disclosure of information. Designation of a "FOIA Director" in each program office, at the level of a Deputy Assistant Secretary or higher, would assist in assuring the appropriate level of attention and responsibility to FOIA requests. Responsibility for program area compliance with FOIA would be the responsibility of each program FOIA Director.

Program FOIA Directors would also have responsibility for program area improvements that would result in proactive and affirmative disclosure of information. Increased access and availability on a timely basis to the public of HUD documents should reduce the number of FOIA requests on a long-term basis. To ensure optimum compliance, HUD management must be accountable for failure to meet FOIA deadlines. One approach to ensure accountability would be for directors of HUD offices and divisions to be held accountable in performance evaluations for the backlog of FOIA responses that can be attributed to their offices and the adequacy of their commitment to proactive and affirmative disclosure. Program FOIA Directors should also have responsibility for implementing procedures for processing of expedited FOIA requests.

8. Additional Training.

A review of FOIA operations evidences that the FOIA legal staff and the non-attorney FOIA Specialists spend considerable time advising both field office personnel and Headquarters program office personnel on the applicability of FOIA exemptions, adequacy of search efforts, fee estimates, and many other technical issues. Additionally, there has been significant turnover of designated FOIA liaisons in the field, which creates a need for training of new personnel who will be handling FOIA requests for the first time. Finally, the emphasis on customer service in the Executive Order highlights the need for more training on responsiveness, courtesy and improved service to the public.

The internal review indicates that HUD program personnel would benefit from additional training in FOIA exemptions, fee estimates, and basic search requirements, and many program office employees have expressed an interest in receiving additional FOIA training. To increase the efficiency of FOIA processing, specialized training should be offered to HUD program personnel and FOIA staff on the application of the FOIA to discrete categories of program-specific documents. Adequacy of search issues should also be addressed with training on the full scope of records that are subject to FOIA (emails, telephone message logs, notes and other informal documents). Improvements to FOIA operations should include satellite training and annual departmentwide conferences among personnel involved in FOIA operations to address these issues. The use of an internal newsletter, which would include a "Frequently Asked Questions" section directed to responding to issues raised by field FOIA personnel, offers another approach to disseminating helpful information about the FOIA process within the Department.

9. Increased Staffing or Staffing Reallocation.

As noted earlier in this report, there has been a significant increase in the number of FOIA requests received at HUD Headquarters, with a concomitant decrease in staffing. In 2002, the Headquarters FOIA Division had a staff of 10 FOIA Specialists tasked with processing 1,162 FOIA requests. The number of incoming FOIA requests increased to 1,266 in 2003, however the number of FOIA Specialists dropped to 9. In 2004, the Headquarters FOIA Division received 1,693 new FOIA requests and in 2005, the increase remained fairly constant with 1,604 new incoming FOIA requests. Overall, the volume of incoming FOIA requests increased 38% between 2002 and 2005, yet the Division has continued to operate with one less FOIA Specialist than it had in 2002. Since each productive FOIA Specialist processes, on the average, 100 to 125 FOIA requests per year, the decrease in Specialist staffing has a direct effect on the FOIA backlog. In addition, the Headquarters FOIA Division had five support staff members at the beginning of calendar year 2004, but lost one staff member, who has not been replaced to date, decreasing support staff to four. Loss of support staff results in slower logging in of incoming requests and consequent slower response time. Given the increase in volume of incoming FOIA requests, additional staff to assist with this increased volume must be considered. Changes in existing personnel practices should also be examined, to address any productivity issues with existing FOIA staff.

Any staffing analysis should include consideration of changes to the existing job series and grades of the FOIA Specialist processing staff. Upgrading the required skills and grade levels of FOIA Specialists currently preparing FOIA responses may greatly increase the efficiency of FOIA operations. Our review indicated that, at many agencies, FOIA Specialists have college degrees, are assigned higher grade levels, and generally have the necessary skills for efficiently handling complex FOIA responses. Raising the minimum job requirements and assigning higher grade levels for HUD staff serving as FOIA Specialists, particularly at Headquarters, is likely to result in better FOIA median response times and a better overall quality of responses. In addition, consideration should be given to creating a FOIA Requester Center Executive Director position at the SES level.

The internal review reveals that some reallocation of resources may increase the efficiency of FOIA operations. Many of the systemic measures that will improve FOIA efficiency throughout HUD, such as additional FOIA training and improvement of HUD's FOIA Reference Guide, will require additional legal resources. The legal staff in the FOIA Division spend 80% of their time on processing-related administrative functions and attendant personnel matters. These resources are better devoted to performing the legal analysis and support that will improve the quality of FOIA responses and increase processing efficiency. A review of other agencies' FOIA operations indicates that all those surveyed separate their legal and administrative FOIA functions. HUD is the only agency that locates its FOIA operation within its legal office, thereby inefficiently merging administrative and legal functions.

Reallocation of administrative staff to oversee administrative processing functions may increase efficiency in performance and free up legal personnel to address FOIA-related legal issues on a more expedited basis. In particular, personnel with IT and program expertise should be tasked with evaluating different alternatives to the current ACORN tracking system, which are appropriate for use with the high-volume and document-intensive FOIA operation. These efforts should be coordinated with any realignment of Headquarters processing functions to effect better integration of field and Headquarters FOIA operations.

10. Contracting Out/Hiring of Contract Employees.

Given the existing backlog of FOIA requests at HUD Headquarters, consideration must be given to the use of contract personnel. For the reasons already addressed in this report, existing FOIA staff are currently unable to keep pace with the new volume of incoming requests. For HUD to reduce its existing backlog of FOIA requests within a reasonably prompt time period, additional processing resources, whether new hires of HUD employees, the hiring of contract employees, or the contracting out of certain FOIA operations appears necessary. To determine how other federal agencies have addressed their backlog, HUD contacted other agencies' FOIA staff to obtain information on actions they undertook, including information on their experience with contract employees. HUD staff also reviewed the Department of Justice's FOIA Post article on "The Use of Contractors in FOIA Administration." The agencies surveyed reported positive experiences with contracting out the FOIA processing operations as well as positive feedback on the performance of contract employees. This indicates that contracting out of certain FOIA functions may be an important tool to improve HUD's FOIA operations and reduce existing backlog.

11. Organizational Realignment.

As noted above in the overview of HUD operations, HUD FOIA operations are relatively decentralized with responsibility for documents requested in the field delegated to the Regional Directors. Because the field FOIA operations are not in the same chain of command as the Headquarters FOIA office, there is a lack of uniformity in FOIA processing practices and policies in the field. While some decentralization is unavoidable due to HUD's organizational structure, better integration of Headquarters and field FOIA operations will improve the efficiency and consistency of FOIA operations departmentwide.

The internal review indicates that the consistency and efficiency of FOIA operations can be significantly improved by realigning the FOIA administrative processing functions. OGC does not have supervisory authority over employees doing FOIA work in the field, as these employees are not OGC employees. As a result, it is difficult to easily and efficiently coordinate FOIA operations between Headquarters and close to eighty field offices. FOIA administrative processing functions should be shifted to an office that is better positioned to exercise supervisory control over the administrative functions of both field FOIA processing staff and Headquarters processing staff. In order for FOIA responsiveness to be improved,

consideration should be given to realigning FOIA processing operations to an office that has adequate staff and the necessary experience in integrating Headquarters policy initiatives into decentralized field operations. Such a realignment would permit the implementation of uniform processing procedures department-wide, such as consistent methods and policies for the handling of expedited FOIA requests

A realignment of FOIA operations that removes the administrative processing functions from OGC will result in better utilization of HUD resources, and enable HUD to institute systemic measures that will improve FOIA processing not only in the short-run, but also on a long-term basis. As noted above, HUD's current organizational structure for FOIA operations ineffectively and inefficiently combines administrative FOIA processing operations with FOIA legal functions. As also noted earlier, this organizational structure contrasts markedly with the organizational arrangement of FOIA operations at other federal agencies, including other cabinet departments, and with the organizational structure that HUD had in place prior to 2000, which was an organizational structure consistent with those of other federal agencies. The consequent diversion of legal resources prevents implementation of some of the broader measures that would improve FOIA operations, including expedited decisions on legal issues such as privilege. Legal resources should be directed to memorializing decisions on the releasability of documents and disseminating these decisions to all personnel handling FOIA requests. This would eliminate duplicative review and analysis of similar FOIA requests, and ensure better utilization of resources.

Therefore, consideration must be given within HUD to whether the current organization of FOIA operations lends itself to optimum FOIA operations. Internal review indicates that it does not. Internal review indicates that separating the legal and administrative functions in the FOIA Division and transferring the administrative functions out of OGC may significantly enhance the efficiency and effectiveness of HUD's FOIA operations.

12. Processing of Appeals.

Headquarters FOIA appeals are currently assigned to OGC's Procurement and Administrative Law Division ("PALD"). In the past few years, PALD has experienced the retirement or departure of seasoned attorneys, resulting in a number of new staff members. The loss of senior staff has created some difficulties with FOIA processing of appeals, due to the relative inexperience of the new PALD attorneys with FOIA. Realignment of appeal functions to individuals or offices with greater expertise in FOIA should be evaluated. Since appeals are relatively few at Headquarters (44 in 2004 and 24 in 2005), one senior-level individual with FOIA expertise should be able to efficiently and effectively handle this workload.

13. Communications with Requesters.

In general, HUD's internal review disclosed a number of areas where communication with requesters could be improved. As noted above, the median response time to requests could

be shortened if legal resources were used to memorialize decisions on the releasability of classes of documents. To make these decisions available for use by all HUD personnel handling FOIA requests both at Headquarters and in the field, a process must be established for the systematic dissemination of this information. Possibilities for making these decisions available internally include the use of an intranet (with appropriate topical indices) as well as periodic “bulletins” to FOIA personnel, along with cumulative indices.

Electronic communication with requesters should be increased, where possible. Although HUD’s review indicates that approximately half of all FOIA requests are received in paper format, a significant number of FOIA requests are received through HUD’s FOIA website. While HUD’s FOIA Specialists now communicate electronically with these requesters to seek clarification or narrowing of a FOIA request, procedures could be established for electronic status checks, electronic tracking and electronic notice of referrals to a field office and appropriate contact information for the field office.

The Plan: Transforming HUD’s FOIA Operation into one that is Citizen-Centered and Results-Oriented

D. Areas Selected for Improvement in HUD’s Plan

All of the 12 areas selected for review have potential for improvement and therefore all of the areas have been chosen as improvement areas for HUD’s plans:

E. Description of Goals, Steps, Milestones and Success Measures

1. Affirmative and Proactive Disclosure of Information.

Goals/Objectives: Improve the quantity and quality of information that is affirmatively and proactively made available to the public, without the necessity of a FOIA request.

Steps Planned:

- Step 1. Establish protocol for immediate release of information on successful grants and grant proposals.
- Step 2. Require FOIA Division and program offices to identify documents repeatedly requested from various program areas.

- Step 3. Require program areas to submit a report to the Chief FOIA Officer containing a list of the specific types of program documents that can be made available to the public.
- Step 4. Require program areas to submit a quarterly report to the Chief FOIA Officer that describe all progress on affirmative disclosure of documents, including a list of all new documents posted on the program website and/or in the FOIA electronic reading room or made available and accessible to the public through other means of dissemination.
- Step 5. Require program offices to provide weekly reports to the Chief FOIA Officer on current “hot button” issues that may result in numerous FOIA requests. Establish protocol for proactive disclosure to media and the public on “hot” issues.

Time Milestones:

Immediately, issuance of memorandum from Deputy Secretary to HUD Principal Staff regarding affirmative/proactive disclosure of information and posting of documentary material on program websites is also contemplated; issuance of memorandum requiring weekly reports on “hot button” issues that may result in FOIA requests; institute procedures for timely release by program offices of information on grant awards and proposals.

By September 30, 2006, identification of appropriate documentary material by FOIA Division and program offices; submission of first quarterly report that describes specific affirmative disclosure of documents by program area. Establish protocol for proactive disclosure of information on “hot button” issues.

Measurements of Success:

- Detailed lists of appropriate materials received from all program areas.
- Identifiable increase in number of documents posted on program websites, or other means of dissemination.

2. Overall Website Improvement.

Goals/Objectives: Improve organization of, enhance presentation of, and expand the number of documents made available on FOIA website. Establish links to program areas where posted documents can be obtained.

Steps Planned:

- Step 1. Transfer all website support and maintenance functions to OCIO.
- Step 2. Initiate analysis of staffing/resource issues relating to website “refresh” and improvement.
- Step 3. Require program offices to establish links to documentary material.
- Step 4. Post additional information on FOIA process on website.

Time Milestones:

Immediately, initiate analysis of resource issues related to website improvement and prepare list of additional information to be included on the website.

By September 30, 2006, transfer FOIA website functions to OCIO; require establishment of program website links.

Measurements of Success:

- Completion of decisional process on staffing and resource allocation for website improvement, with concrete measures identified.
- Quantify program links made available on HUD’s website.

3. Improvement of HUD’s FOIA Reference Guide.

Goals/Objectives: Post index of all major information systems on the FOIA website. Make complete summary of categories and types of information available from HUD, both within and outside of the FOIA process.

Steps Planned:

- Step 1. Require each program area to submit to the FOIA Division a list of all major information systems maintained by that program area.
- Step 2. Begin legal analysis of categories of HUD documents that can be released under the FOIA.
- Step 3. Disseminate results of categorical analysis both to field FOIA staff and the public.

Time Milestones:

By September 30, 2006, submission of list of major information systems by program areas to FOIA Division.

By December 31, 2006, list of major information systems posted on FOIA website.

Twice Annually, commencing in 2007, prepare legal analysis of one category of documents and disseminate to FOIA liaisons legal analysis.

Measurements of Success:

- Posting of index of major HUD information systems on website.
- Dissemination of legal analysis of document categories.

4. Automated Tracking Capabilities.

Goals/Objectives: Update automated tracking system and improve its functionality.

Steps Planned:

Step 1. Assign OCIO the responsibility for identifying and evaluating alternative FOIA tracking systems.

Step 2. Initiate review of alternatives to the current ACORN tracking system.

Step 3. Replace ACORN system with a system which a) reduces the risk of losing documents during search and response processing; b) increases the capacity to process and respond to FOIA requests electronically; and c) eliminates or automates processing steps and paperwork.

Time Milestones:

By September 30, 2006, identify available OCIO staff resources for IT analysis.

By December 31, 2006, initiate analysis of alternative tracking systems.

By March 31, 2007, complete selection of replacement automated tracking system and identify any new related equipment purchases.

Measurements of Success:

- Identification of specific individual(s) in OCIO with responsibility for alternative tracking system analysis.
- Completion of analysis and selection of replacement tracking system.

5. Backlog Reduction.

Goals/Objectives: Reduce existing backlog of over 500 pending Headquarters FOIA requests that exceed the statutory 20-day period for response.

Steps Planned:

- Step 1. Initiate procurement of temporary contract services to meet immediate needs.
- Step 2. Review existing Headquarters staffing and supplement, as appropriate.
- Step 3. Complete realignment of FOIA processing functions.
- Step 4. Draft and implement new position descriptions for FOIA Requester Service Center Director and FOIA field personnel.
- Step 5. Involve top management in efforts to eliminate overdue program responses (see below).

Time Milestones:

By First Quarter of 2006, complete Headquarters staffing analysis.

By December 31, 2006, initiate procurement of temporary contract personnel or contract servicer.

By December 31, 2006, complete realignment of FOIA processing functions.

By December 31, 2006, make needed staffing increases or reallocations.

By First Quarter of 2007, issuance of memorandum from the Deputy Secretary to all HUD Principal Staff regarding overdue FOIA responses.

By December 31, 2007, have contract personnel or service provider begin work on backlog reduction.

Measurements of Success:

- Completion of procurement for contract personnel or services.
- Identifiable reduction in number of overdue responses from program areas.
- Reduction of backlog to below 400.

6. Politeness/Courtesy.

Goals/Objectives: Improve customer service by eliminating complaints regarding non-responsiveness, lack of courtesy and lack of a citizen-centered customer service focus to FOIA requests.

Steps Planned:

- Step 1. Hire a FOIA Requester Service Center Director for Headquarters.
- Step 2. Establish Headquarters and field FOIA Requester Service Centers with appropriate staffing levels as well as supervisory FOIA Public Liaisons to handle requester concerns.
- Step 3. Post information regarding FOIA Requester Service Centers on HUD's website.
- Step 4. Provide training to Headquarters FOIA personnel on customer service.
- Step 5. Begin scheduling public forums to receive comments on improving FOIA performance.

Time Milestones:

By September 30, 2006, hire Director for FOIA Requester Service Center at Headquarters; establish FOIA Requester Service Centers at Headquarters and in the field.

By December 2006, post information on FOIA Requester Service Centers. Begin public forums on FOIA performance.

By Second Quarter of 2007, engage outside contractor to provide training on customer service.

Measurements of Success:

- Establishment of FOIA Requester Service Centers.
- Posting of information on FOIA Requester Service Centers on HUD's website.
- Engagement of contractor to provide training in customer service to Headquarters personnel.
- Completion of customer service training at Headquarters.

7. Process for Obtaining Cooperation from HUD "Program Personnel."

Goals/Objectives: 1) Raise the priority of FOIA processing within program areas to eliminate untimely program responses to FOIA search requests. 2) Require routine affirmative and proactive disclosure of publicly available documents.

Steps Planned:

- Step 1. Issuance of memorandum from the Deputy Secretary to all Principal Staff requiring that they designate officials no lower than a Deputy Assistant Secretary, or equivalent, to take the actions detailed above to increase affirmative and proactive disclosure of information.
- Step 2. Issuance of memorandum from the Deputy Secretary to all Principal Staff establishing "zero tolerance" policy for overdue responses to FOIA requests.
- Step 3. Issuance of memorandum from the Deputy Secretary requiring program compliance with scanning or other procedures required to implement and effect a new automated correspondence tracking system.
- Step 4. Deliver overdue lists to program offices' Assistant Secretaries every other week.
- Step 5. Address overdue program responses in senior management meetings.
- Step 6. Include FOIA compliance in senior management performance appraisals.

Time Milestones:

By December 31, 2006, issuance of memoranda from the Deputy Secretary regarding affirmative disclosure of information.

By December 31, 2006, issuance of memorandum to HUD Principal Staff regarding new tracking procedures concurrently with selection of new tracking system.

By December 31, 2006, begin delivering list of overdue program responses every other week.

By December 31, 2006, begin addressing overdue FOIA requests in senior management meetings, and include FOIA compliance in senior management performance appraisals in next performance cycle.

By December 31, 2007, issuance of memorandum from Deputy Secretary regarding overdue responses to FOIA requests.

Measurements of Success:

- Reduction or elimination of overdue program responses.
- Posting of additional documentary information on program websites.

8. Additional Training.

Goals/Objectives: Ensure adequate training of both FOIA field personnel and program personnel conducting program area searches.

Steps Planned:

- Step 1. Make videotapes available to field personnel from training conducted with the Department of Justice (DOJ) in 2002.
- Step 2. Realign FOIA processing functions to permit FOIA Division attorneys to devote time to updated training.
- Step 3. Distribute to FOIA liaisons legal guidance on categories of HUD documents to be made available to the public (see sections (1) and (2) above) twice a year.
- Step 4. Conduct training with the new administrative processing unit.

Step 5. Begin satellite training and annual conferences, subject to availability of funding.

Time Milestones:

By December 31, 2006, make DOJ FOIA training videotapes available to HUD field personnel.

By December 31, 2006, complete organizational realignment of FOIA.

By December 31, 2006, begin distribution of legal guidance on categories of documents.

By December 31, 2007, conduct training with new FOIA administrative processing unit, and begin regular satellite training and annual conferences.

Measurements of Success:

- Availability of training videotapes by indicated date.
- Completion of realignment. Distribution of biannual legal guidance.

9. Increased Staffing or Staffing Reallocation.

Goals/Objectives: Complete analysis of existing staff resources and allocation, and increase staffing or reallocate, as appropriate.

Steps Planned:

Step 1. Begin analysis of staffing resources and allocations.

Step 2. Complete report on staffing, including recommendations for changes at Headquarters and in the field.

Time Milestones:

By December 31, 2006, begin staffing analysis.

By First Quarter of 2007, complete report on staffing.

Measurements of Success:

- Ongoing work on staffing analysis during 2006.

- Completion of report.

10. Contracting Out/Hiring of Contracting Employees.

Goals/Objectives: Hire contract employees on a temporary basis or procure contract servicer to address backlog until staffing analysis is complete. Analyze option of contracting out FOIA processing operations.

Steps Planned:

- Step 1. Initiate procurement of temporary contract services to work on the backlog.
- Step 2. Begin analysis of contracting out option.

Time Milestones:

By December 31, 2006, initiate procurement.

By First Quarter of 2007, complete procurement.

Measurements of Success:

- Initiation of procurement process.
- Completion of procurement process.

11. Organizational Realignment.

Goals/Objectives: Change existing, decentralized structure to better integrate Headquarters and field operations.

Steps Planned:

- Step 1. Transfer Headquarters FOIA administrative processing functions to an organizational unit that can exercise supervisory control over FOIA processing staff both in the field and at Headquarters.
- Step 2. Creation of Regional FOIA Requester Service Centers that will report to the Regional Directors as part of the organizational realignment.
- Step 3. Implement new position description for FOIA liaisons in the field.

Time Milestones:

By Second Quarter of 2006, new position descriptions for field operations.

By December 31, 2006, organizational realignment, subject to any applicable statutory requirements that may necessitate notification of realignment of functions to Congressional authorizing and appropriations committees.

By December 31, 2006, creation of Regional FOIA Requester Service Centers.

Measurements of Success:

- Completion of realignment.
- Classification of position description.

12. Processing of Appeals.

Goals/Objectives: Transfer handling of appeals to single attorney with FOIA expertise.

Steps Planned: Review options for transferring of appeal function.

Time Milestones:

By December 31, 2006, complete review for options for transferring appeal functions.

By December 31, 2006, effect transfer.

Measurement of Success: Completed transfer.

13. Communications with Requesters.

Goals/Objectives: Shorten response time and increase use of electronic communications.

Steps Planned:

Step 1. Make decisions on releasability of categories of documents readily available.

Step 2. Review options for electronic communications with requesters.

Time Milestones:

By December 31, 2006, initiate analysis of means of disseminating decisions on releasability.

By December 31, 2006, initiate analysis of electronic communications with requesters.

By December 31, 2007, if realignment is completed, begin distributing legal decisions on releasability.

By December 31, 2007, implement new methods of electronic communication with requesters.

Measurements of Success:

- Distribution of decisions on releasability.
- Implementation of new means of electronic communication.

F. Improvement of Areas by Time Period

By December 31, 2006

1. FOIA Division to identify some of the frequently requested documents by program area.
2. Program areas to identify documentary material appropriate for posting.
3. Complete realignment of FOIA processing functions to an organizational unit with supervisory control over both field and Headquarters FOIA operations.
4. Initiate analysis of staffing needs attendant to a) improved processing; b) replacement of current automated tracking system; c) additional systemic improvement measures (e.g. improvement of FOIA Reference Guide).
5. Identify available IT resources for analysis of automated tracking system replacement.
6. Initiate procurement of temporary contract processing personnel.
7. Establish FOIA Requester Service Centers.
8. Post information on HUD website concerning FOIA Requester Service Centers.

9. Issuance of memorandum from Deputy Secretary regarding affirmative/proactive disclosure of information by program areas.
10. Begin delivering lists of overdue program responses every other week.
11. Begin addressing overdue FOIA requests in senior management meetings.
12. Make 2002 FOIA training videotapes available for training.

By December 31, 2007

1. Commence submission of quarterly reports by program offices that describe specific affirmative disclosure of documents.
2. Establish FOIA website links to some documents in each program area.
3. Submit list of major information systems maintained.
4. Submit list of major information systems posted on HUD's website.
5. Complete eight legal analyses of major HUD document categories.
6. Complete analysis of replacement automated tracking system.
7. Reduction of backlog by temporary contract personnel.
8. Complete Headquarters staffing analysis and make needed staffing increases or realignments.
9. Issuance of memorandum from Deputy Secretary to all HUD Principals regarding overdue program responses.
10. Engage outside contractor to provide training on customer service.
11. Begin including attention to FOIA matters in senior management performance appraisals.
12. Implement new position description for FOIA field personnel.

After December 31, 2007

1. Select and implement new automated tracking system.

2. Make needed staffing changes as appropriate.
3. Improve department-wide accountability for prompt and responsive FOIA processing.