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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE FOR MANAGEMENT
WASHINGTON, DC 20511

June 15, 2006

The Honorable Alberto R. Gonzales
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20503-0001

Dear Mr. Attorney General:

The Office of the Director of National Intelligence (ODNI), which began operations in April 2005, has a Freedom of Information Act (FOIA) Program. As required by Executive Order 13392, Improving Agency Disclosure of Information, the ODNI is forwarding the results of our recent FOIA review, along with the improvement plan, in the attached report.

Should you have any questions about the report, the point of contact for this effort is our Director of Information Management, Mr. John Hackett, who can be reached at (703) 482-3610.

Sincerely,



Patrick F. Kennedy

Enclosure

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**Office of the Director of National Intelligence Freedom of Information Act
Review and Report as Required by Executive Order 13392**

Introduction

The following is the Office of the Director of National Intelligence's (ODNI) Freedom of Information Act (FOIA) report as required by Executive Order 13392.

Since its standup in April 2005, the ODNI FOIA Program has grown in size and scope. In 2005, the office had only seven FOIA requests, all in the Office of the National Counterintelligence Executive. However, by the end of 2006, the office may have over 25 requests. The ODNI currently has a small backlog of approximately five FOIA cases.

Background

The Intelligence Reform and Terrorism Prevention Act of 2004, signed by the President on December 17, 2004, created the ODNI. The ODNI began operations when Ambassador John D. Negroponte was confirmed as the first Director of National Intelligence (DNI) and sworn in on April 21, 2005. When he took office, the DNI issued ODNI Instruction No. 2005-1, which stated, "until superseded by ODNI Regulations or ODNI Instructions, Central Intelligence Agency (CIA) Regulations will apply to the ODNI and its components." It was from this instruction the ODNI began its FOIA program, based on the framework of the CIA's regulations, processes, and procedures relating to FOIA requests.

Areas Selected for Review

During the review period, the ODNI began the process of establishing its own FOIA program and centralizing the FOIA Program Office. As part of the creation of its FOIA Program Office, the ODNI reviewed the CIA FOIA program regulations, processes, and procedures to determine which aspects should be modified for future ODNI use.

Results of the Review

The ODNI found that initially there was no central entity logging FOIA requests into the ODNI. This was attributed to the fact that several of the agencies that are now part of the ODNI had FOIA and contact information on their own web sites that did not link up to the ODNI web sites. Since FOIA requests could be submitted through a variety of entry points, processing requests was sometimes ad hoc. Also, a few of the organizations had addresses and zip codes different from the ODNI headquarters address, which delayed receipt and processing of the requests.

As the deficiencies were identified, the ODNI moved quickly to correct them. For instance, in January 2006, the Deputy Director of National Intelligence for Management (DDNI/M) signed an agreement that outsourced ODNI FOIA tracking to the CIA, and acquired the CIA's assistance in the compilation of the ODNI annual FOIA report. DDNI/M also transferred the responsibility for the processing of FOIA requests from the ODNI Chief Information Officer to the Assistant DDNI/Administration (ADDNI/Admin). The ADDNI/Admin was appointed the chief FOIA officer in January, and the ODNI hired a Director of Information Management, who began work on April 3, 2006, to manage the daily operations of the ODNI FOIA program. In addition, in April 2006, the ODNI named its FOIA public liaisons and established the address and telephone numbers of its Customer Service Center. All of this information was placed on the ODNI public web site at www.dni.gov/foia/htm.

Also during this review period, the new Director of Information Management, and an attorney from ODNI's Office of the General Counsel (OGC), began work on the ODNI FOIA regulations. Those regulations are in draft form and are currently being coordinated within the ODNI. On June 5, 2006, an attorney who specializes in FOIA work started with the OGC.

Areas Selected for Improvement

As of this date, the ODNI continues to develop its FOIA program. As part of the creation of the program, the ODNI has identified three major areas for emphasis. These areas are: centralization and consolidation of the FOIA Program Office, affirmative and proactive disclosure of records, and improvement of the ODNI FOIA web sites.

1. Centralization of the FOIA Process

a. Goal: To establish an effective and distinct FOIA program under the direction of the DDNI/M.

b. Steps to be Taken

- Complete ODNI FOIA regulations and publish them in the *Federal Register*; receive and consider public comments.
- Promulgate ODNI instructions regarding FOIA processing and procedures.
- Hire additional staff for the Information Management Office.
- Consolidate all ODNI entry points for FOIA requests by establishing a centralized entry point (one address and fax number).
- Create an ODNI FOIA handbook for the public, and post it on ODNI public web site.
- Initiate procedures to streamline acknowledgement processes.

c. Time Milestones

1 August 2006	Publication of FOIA regulations
1 October 2006	Internal ODNI instruction published regarding FOIA responsibilities
1 October 2006	Hire a deputy information review and release officer
1 November 2006	Publish a FOIA handbook

d. Measurements of Success

- Regulations published in the *Federal Register*; along with public comments and responses.
- ODNI instruction promulgated.
- New ODNI deputy information review and release officer identified as one of the ODNI FOIA public liaisons.
- FOIA reference guide posted on the ODNI public web site.
- Improvement of acknowledgment times. (Goal is to ensure a letter goes out to the requester within 10 days of receipt in 95 percent of the cases.)

2. *Affirmative and Proactive Disclosures*

a. Goal: To review ODNI information to identify frequently requested unclassified records or records of interest to the public that may be posted on the ODNI public web site.

b. Steps to be Taken

- In consultation with ODNI Public Affairs, conduct reviews of the ODNI public web sites to identify and catalog information currently posted.
- With the ODNI Historian, identify and collect current and historical ODNI unclassified and declassified records for potential posting to the web site.

c. Time Milestones

1 August 2006	Finish the catalog of all materials currently posted on ODNI web sites
31 December 2007	Begin routine posting of selected unclassified materials

d. Measurement of Success

- Increase in the volume of frequently requested records on the FOIA reading room web site.

3. *Overall FOIA Web Site Improvement*

a. Goal: The ODNI will establish standards for the posting of FOIA information on all new and legacy public web sites under its control.

b. Steps to be Taken

- Review FOIA-related content on all ODNI public web sites
- Establish FOIA pages on all ODNI web sites
- Establish FOIA reading rooms on all web sites linking back to the main ODNI web site
- Create user-friendly fonts, formats, and navigation on all web sites.

c. Time Milestones

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|------------------|---|
| 31 December 2006 | Finish the review of all web sites and place FOIA statement links |
| 31 December 2006 | Establish FOIA reading room links on all ODNI web sites |
| 31 December 2007 | Complete friendlier formats, fonts, and navigation. |

d. Measurements of Success

- FOIA statements on all ODNI web sites
- FOIA reading room links on all ODNI public web sites

Improvement Time Periods

1. Areas anticipated to be completed by December 31, 2006

- Creation of ODNI FOIA regulations.
- Published regulations, public comments, and responses in the *Federal Register*.
- ODNI instruction issued on FOIA processes and procedures.
- Hiring of FOIA additional staff.
- Review of current content and FOIA related materials on ODNI public web sites.
- Establishment of FOIA reading room links on all ODNI web sites.
- Improvements to acknowledgement processes.

2. Area anticipated to be completed by December 31, 2007

- Routine posting of frequently requested records in ODNI FOIA reading room.
- Standardized formats and user navigation on all ODNI web sites.