

**Office of the Director of National Intelligence**  
**Chief FOIA Officer Report**

This report covers the period beginning with the date of the Attorney General's Memorandum on the FOIA (March 19, 2009) through March 1, 2010 and outlines the steps the ODNI has taken to "improve FOIA operations and facilitate information disclosure."

**I. Steps Taken to Applying the Presumption of Openness**

**1. Description:**

By Memorandum to the Workforce, dated May 21, 2009, ODNI's Chief FOIA Officer affirmed ODNI's commitment to accountability and transparency. In that memorandum, the Chief FOIA Officer reminded all agency employees that unless disclosure of information would harm national security, cause an unwarranted invasion of personal privacy, or impede law enforcement proceedings, openness should prevail. The President's FOIA Memorandum and the Attorney General's FOIA Guidelines were attached to that memorandum to ensure widest dissemination. In this memorandum, the Chief FOIA Officer made it clear that the FOIA is the responsibility of each employee. While the FOIA office has the leading role in processing requests, every individual plays a part in ensuring full compliance with all aspects of the FOIA.

**2. Disclosure Comparisons:**

A comparison of our annual reports has shown that ODNI demonstrated an increase in the number of requests where records were released in full and in part from FY08 to FY09. For records released in full, we showed an increase from 5 cases in FY08 to 18 cases in FY09. For partial releases, we showed an increase from 5 cases in FY08 to 23 cases in FY09. ODNI's FY09 Annual Report shows that the most frequently cited exemptions are non-discretionary – exemptions 1, 3, and 6.

**II. Steps Taken to Ensure That Your Agency Has an Effective System for Responding to FOIA Requests**

1. As a relatively new agency, ODNI has been building its FOIA program since its inception in 2005. The FOIA office recently hired a full-time individual to process FOIA requests, and is in the process of filling a second position to oversee the daily administration of the FOIA. Along with the FOIA Public Liaison, these individuals will have direct access to the FOIA Service Center phone number in order to respond to requesters effectively and efficiently.

2. ODNI utilizes a FOIA case management system that allows us to open and track cases electronically. The FOIA office is in the process of adding components to that system that will allow for electronic document management and redaction, which will further enhance the FOIA program allowing for greater efficiency in processing. The FOIA program office has also partnered with agency IT support to ensure efficient interaction and support.

### **III. Steps Taken to Increase Proactive Disclosures**

Since its inception, ODNI has maintained a robust public website. Documents expected to be of public interest are routinely posted by various agency components. For example, the National Intelligence Council (NIC) and the National Counterproliferation Center routinely publish unclassified reports to their pages. The FOIA webpage is frequently updated as new Intelligence Community policy documents are published. In addition, records released via the FOIA are often posted to the public website. This website is continually under review to determine what improvements can be made in order to achieve greater transparency.

### **IV. Steps Taken to Greater Utilize Technology**

1. **Does your agency currently receive requests electronically?** Yes
2. **If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?** Not Applicable
3. **Does your agency track requests electronically?** Yes
4. **If not, what are the current impediments to your agency utilizing a system to track requests electronically?** Not Applicable
5. **Does your agency use technology to process requests?** No
6. **If not, what are the current impediments to your agency utilizing technology to process requests?** ODNI is in the process of adding a component to its electronic system that will allow for electronic redaction and processing. This is expected to be complete within the next month.
7. **Does your agency utilize technology to prepare your agency Annual FOIA Report?** Yes
8. **If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?** Not Applicable

## **V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests**

### **1. Backlog Status:**

As reported in our Annual FOIA Reports, ODNI's backlog increased from 63 cases in FY08 to 66 cases in FY09. ODNI experienced a nearly 30% increase in cases received for FY09, which is the main cause for this increase. For two years in a row, ODNI has reported no backlogged appeals. ODNI's oldest pending request for both FY08 and FY09 is dated 10/2/06.

### **2. Backlog Reduction Steps:**

By increasing FOIA staff and adding the ability to process requests electronically, ODNI is expecting to see a decrease in its backlog for FY10.

### **3. Steps to Improve Timeliness:**

As stated above, ODNI has taken steps to increase FOIA staff and add the ability to process requests electronically. These changes will improve timeliness in responding to requests.