



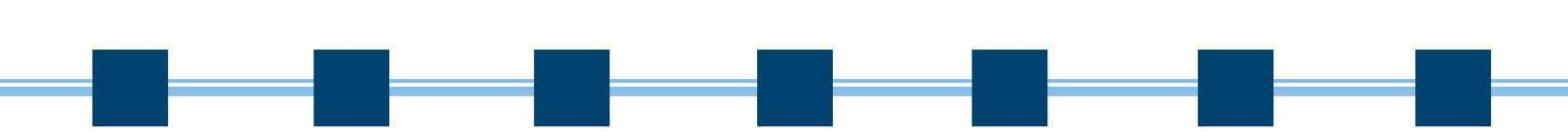
Chief FOIA Officer Report

for

The Corporation for National and Community Service

March 9, 2012

Corporation for
**NATIONAL &
COMMUNITY
SERVICE** 



The Corporation for National and Community Service (CNCS) submits this report in response to the guidance in the United States Department of Justice Office of Information Policy guidelines issued on September 19, 2011.

Background

The Corporation for National and Community Service has a centralized FOIA Program with all processing and coordination of requests performed within the Office of General Counsel with the exception of the Inspector General's records that are forwarded to the Office of Inspector General for initial processing and response. All appeals are handled by CNCS.

CNCS is a federal agency that engages Americans in service through Senior Corps, AmeriCorps, and the Social Innovation Fund, and leads President Obama's national call to service initiative, United We Serve. CNCS plays a vital role in supporting the American culture of citizenship, service, and responsibility.

CNCS provides grants, training, and technical assistance to developing and expanding volunteer organizations. In addition to its headquarters, CNCS administers its programs through 47 state offices, five campuses for the National Civilian Community Corps, and the Field Financial Management Center. Records responsive to requests may be located in several locations. In the last two fiscal years, CNCS has received more complex FOIA requests for records from multiple locations. Requests for more voluminous records have increased. The increased complexity of the requests has resulted in longer processing times. CNCS is committed to prompt compliance and when possible has made interim or rolling responses as the documents are reviewed.



Section I: Steps Taken to Apply the Presumption of Openness

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

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

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

CNCS did not conduct an agency FOIA conference. All FOIA requests are processed within the Office of General Counsel except for the Office of Inspector General. However, the Chief FOIA Officer and the General Counsel have discussed FOIA issues with senior managers. Offices are reminded that all potentially responsive documents must be forwarded to the FOIA Officer for review. All FOIA personnel are aware of the presumption of openness.

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

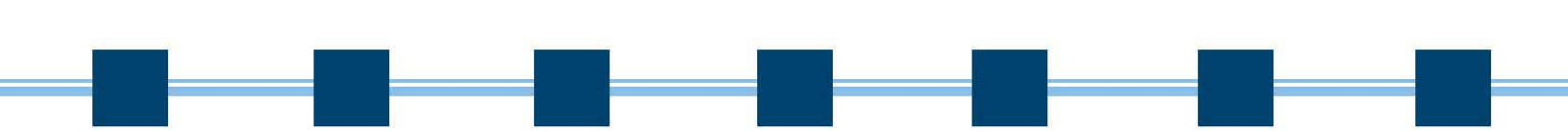
FOIA personnel attended Department of Justice training in 2011. In addition, FOIA personnel participated in American Society of Access Professionals' training and monthly luncheon events.

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

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

CNCS did not make any individual discretionary releases this year. However, each year CNCS receives a number of FOIA requests for copies of successful grant applications. As a part of the agency's commitment to transparency, CNCS began posting information on all successful grant applications for grant competitions during this report period.

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



As a part of its release of grant application review information, CNCS is posting the list of all compliant applications and the names of external peer reviewers which would have been withheld under exemption 6. The posting also includes the summary of external reviewer comments (if applicable) that would have been withheld under exemption 5.

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

The FOIA Officer sends the search memorandum to the responsible office head. The office with the records provides all potentially responsive records to the FOIA Officer. The FOIA Officer and FOIA attorney always review documents with an eye toward transparency. The FOIA team follows the 2009 FOIA Guidelines and encourages release to the greatest extent possible.

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

The Chief FOIA Officer remains a member of the agency's Open Government Council. As a part of its Open Government Plan, the agency is continuing to consider information that may be appropriate for posting. The agency is releasing more information on the impact of CNCS-supported service in communities.

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

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

No. CNCS did not have an increase in the number of responses where records were released in full. In the 2011 Annual Report, 34 requests were released in full. In the 2010 Annual Report, 42 requests were released in full. There were no full denials based on exemptions in 2011.

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

Yes. CNCS had an increase in the number of partial releases. In 2011, CNCS doubled the number of partial releases with 25 partial releases compared to 11 partial releases in 2010. The majority of the partial denials were based on privacy.



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

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

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

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

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

CNCS FOIA professionals are fully supported with an IT department that ensures the internet and email systems are functioning properly. They are available and responsive with technical support on issues that might delay FOIA processing.

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

There is regular interaction between FOIA personnel and the Chief FOIA Officer. The FOIA Officer provides a weekly status report on FOIA requests.

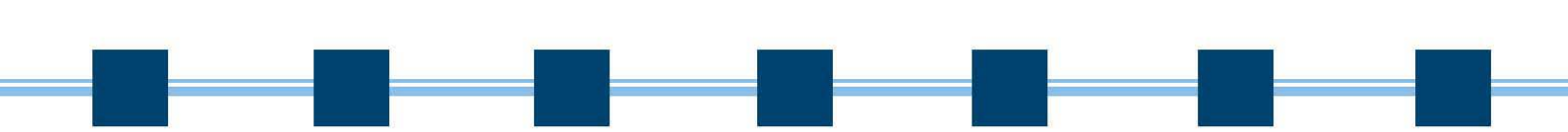
3. Do your FOIA professionals work with your agency's Open Government Team?

The Chief FOIA Officer serves as a member of the agency's Open Government Council.

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

The status of outstanding FOIA requests is monitored weekly. The FOIA Officer teleworks at least one day per week to improve her ability to focus on review of complex records. Staff assignments are reviewed to determine whether additional resources are available to support the FOIA program.

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



The FOIA Officer sends requests for document searches to offices by email. Most responsive documents are provided to the FOIA Officer by email as PDF files. Most FOIA requests are released to requestors by electronic mail. Administrative records are maintained electronically.

Section III: Steps Taken to Increase Proactive Disclosures

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

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

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

CNCS updates our websites frequently with new information or updates to existing information to make sure we are keeping the public as well-informed as possible. Examples include updates to our program pages, Sunshine Act notices, Federal Register Notices, program guidance documentation, reports and research, Annual Financial Report, FOIA requests log, fact sheets, briefs, press releases, NOFAs, NOFOs, etc.

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

In the CNCS Open Government Gallery, we have added the following in FY 2011:

VolunteeringInAmerica.gov (<http://www.volunteeringinamerica.gov/>) hosts the most comprehensive collection of data on volunteering and civic engagement ever assembled, including data for every state and nearly 200 cities. The data is collected through a partnership with the U.S. Census Bureau and the Bureau of Labor Statistics, and has been released annually since 2005.

Segal AmeriCorps Education Award Payments by Institution and State since 1994 (<http://www.nationalservice.gov/about/open/acaward.asp>) This dataset shows payments of Segal AmeriCorps Education Awards from the National Service Trust by institution and state since 1994. Individuals who successfully complete one or more terms of AmeriCorps service earn a Segal AmeriCorps Education Award that can be used to repay qualified student loans, pay education expenses at a qualified institution of higher education, or repay eligible interest expenses. This dataset also shows a count, by

state and year, of distinct individuals benefiting from the payments above. From March 1994 through December 2011.

Results from the agency's grant competitions and copies of the successful grant applications are available at <http://www.nationalservice.gov/about/open/grants.asp>

September 11 National Day of Service and Remembrance 10th Anniversary Challenge Grants are available at

http://www.nationalservice.gov/pdf/12_1230_september_11_challenge_results.pdf

The Corporation for National and Community Service (CNCS) recognized the 10th Anniversary of 9/11 by issuing a challenge to organizations to bring Americans together in the same spirit of compassion, unity, and service as so many did after the attacks.

CNCS Contingency Plan for Agency Operations in the Absence of Appropriations is available online at http://www.nationalservice.gov/pdf/cnscs_contingency.pdf

Transparency in Grant Application Reviews Policy is available at

http://www.nationalservice.gov/pdf/transparency_policy_and_procedures.pdf

In the CNCS FOIA Library, we have added the following records that were frequently requested in FY 2011:

The listing of RSVP's grant relinquishments

http://www.nationalservice.gov/pdf/foia_rsvp_2011_2012_relinquishments.pdf

On the main website, CNCS added additional information on the impact of service in two focus areas:

How the agency's programs responded to the disaster in Joplin, MO.

http://www.nationalservice.gov/about/role_impact/disaster.asp

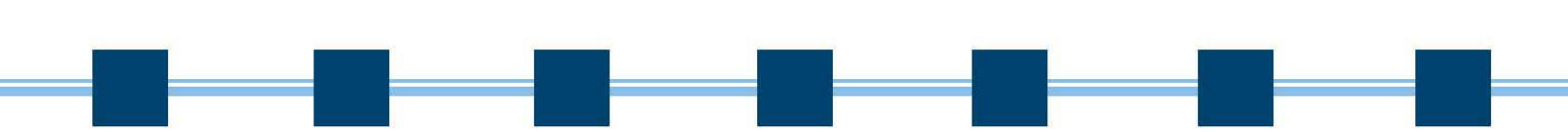
How the agency's programs are engaging veterans and military families

http://www.nationalservice.gov/about/role_impact/militarycommunities.asp

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

The Open Government Council reviews proposals for additional agency records to be posted. The FOIA Officer reviews requests each quarter to determine if there are new frequently requested FOIAs that should be posted.

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



In addition to making sure the information on our website is 508 compliant, we are working to streamline the content and revise it to follow the new guidelines set forth by the Plain Writing Act. Further, CNCS uses online comment boards for public input such as the one found here: <http://www.nationalservice.gov/about/open/grants.asp>. All of our sites include robust search functionality.

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

The FOIA team will continue to work with individual offices as requests are processed to implement the presumption of disclosure.

Section IV: Steps Taken to Greater Utilize Technology

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

Electronic receipt of FOIA requests:

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

FOIA requests may be made electronically by submitting the request to foia@cns.gov. Requests may also be faxed.

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

CNCS does not have decentralized FOIA processing.

Online tracking of FOIA requests:

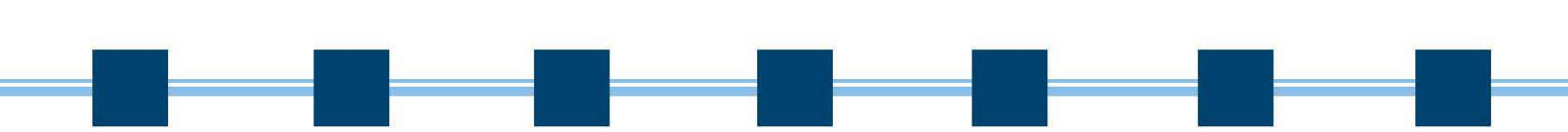
3. Can a FOIA requester track the status of his/her request electronically?

A requester can use our dedicated FOIA email inbox, foia@cns.gov to request the status of a FOIA request. The inbox is monitored daily.

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

CNCS will continue to monitor whether to establish a different method to provide requestor information on the status of a request.

Use of technology to facilitate processing of requests:

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

OGC has representation on the agency's records management review team. Any increased use of technology will have to be a part of the agency-wide records management and information management process.

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

The agency plan is still under development.

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

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

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

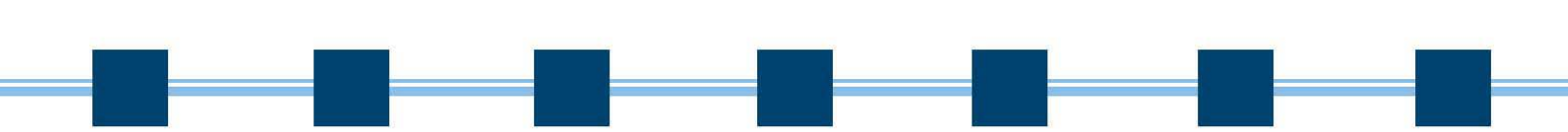
- a. Does your agency utilize a separate track for simple requests?

Yes. In FY 2011, CNCS implemented a multi-track system for processing FOIA requests.

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

Yes. The average number of days for simple requests was 18.

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



CNCS tracked simple requests separately. The average response time was fewer than twenty working days.

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

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

No. At the close of Fiscal Year 2011, there were no requests backlogged from the previous annual report, but there were 4 requests backlogged at the end of Fiscal Year 2011. For the Fiscal Year 2010 annual report, there were two requests backlogged at the end of the Fiscal Year from the previous annual report, but there were no requests backlogged from that 2010 annual report.

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

There was no backlog of administrative appeals for either fiscal year.

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

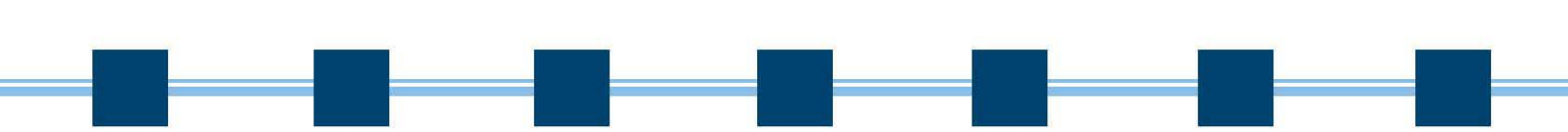
CNCS did not have ten old requests. At the end of Fiscal Year 2010, there were only two requests pending from the previous annual report. At the end of Fiscal Year 2011, there were no requests pending as of the end of the fiscal year from the previous annual report.

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

CNCS did not have any backlog of administrative appeals.

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

Request Backlog:

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

The requests that were backlogged at the end of Fiscal Year 2011 were complex requests that required substantial time for review.

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

The office did experience a turnover of FOIA personnel which had an impact on processing time.

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

The backlog on processing was a result of the increased complexity of the requests received and the volume of information to be reviewed prior to release.

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

None

Administrative Appeal Backlog:

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

Not applicable

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

Not applicable

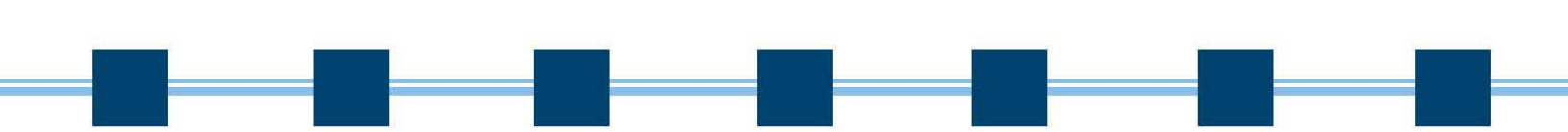
- c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

Not applicable

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

Not applicable

All agencies should strive to both reduce any existing backlogs or requests and appeals and to improve their timeliness in responding to requests and appeals. Describe the steps your agency is



taking to make improvements in those areas. In doing so, answer the following questions and then also include any other steps being taken to reduce backlogs and to improve timeliness.

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

The office routinely monitors the FOIA caseload. The program goal is to respond to simple FOIAs within 20 working days or less. For complex FOIAs, the goal is to respond within 20 working days, if possible, or within 30 working days, if all the available records can be located and reviewed in that time. Work assignments are prioritized to improve processing.

2. Has your agency increased its FOIA staffing?

We have not increased FOIA staffing.

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

Technology support is adequate for the size of our FOIA program. We provide electronic copies of records when possible to avoid delays associated with copying voluminous responses. We provide responses by electronic mail if the size of the file is not too large.

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

CNCS receives very few consultations. When a consultation request is received it is assigned to the FOIA attorney for review and response as a priority.

Use of FOIA's Law Enforcement "Exclusions"

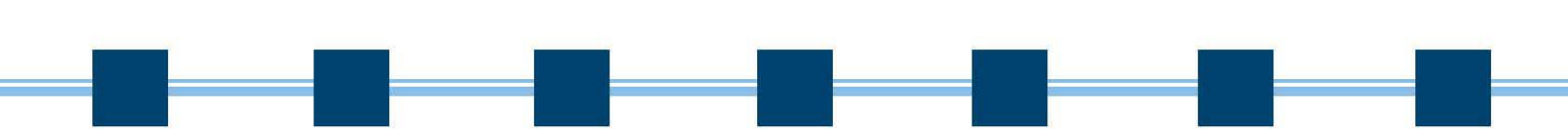
In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following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

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

No.

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

Not applicable



Spotlight on Success

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

Success Story (Stories):

CNCS is committed to open government and ensuring we have fair, consistent, and effective grant application review processes. CNCS has taken significant steps to ensure that our processes are open and transparent and that important information is made available to the public. During this reporting period, CNCS expanded the release of grant application review materials to all of its competitive grant programs. The agency developed a detailed explanation of its grant application review and selection process which it posted in August 2011. As the grant competitions occurred, CNCS posted additional information for each competition. At the conclusion of the award process, the agency posted blank external review templates for the programs that used external peer reviewers and released a list of the external peer reviewers who completed the review process. Names of peer reviewers were not routinely available for most competitions previously. For the first time a list of all organizations who submitted compliant applications, including sub-applicants (if applicable), was posted with a copy of an executive summary prepared by the applicant as a part of the application. Information on applicants who did not receive awards was not available for previous competitions with the exception of information provided last year on the Social Innovation Fund. Finally, a copy of the SF 424 Facesheet and program narrative for every successful grant application was posted. In addition, for those programs that used external reviewers, a summary of the external reviewer comments for each successful applicant was posted. Any potential applicant or interested member of the public will have access to information on all successful grant applications not later than 90 business days after the grants are awarded.



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