



USAID
FROM THE AMERICAN PEOPLE

Chief FOIA Officer's Annual Report

Angelique M. Crumbly
Chief Freedom of Information Act Officer

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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?

Yes. USAID hosted its first FOIA Forum on November 15, 2011. The FOIA forum emphasized USAID's responsibility to improve FOIA administration and the agency's shared commitment to FOIA principles as outlined in President Obama's Executive Order 13392, "Improving Agency Disclosure of Information."

Dynamic FOIA experts from across the Federal Government gave presentations, which were followed by a panel discussion highlighting: the overwhelming challenges of FOIA processing, the risks the Agency faces when discharging the FOIA, and the increasing congressional mandates placed on the FOIA community-at-large. The panel also shared trending FOIA practices and answered frequently asked questions.

Distinguished guests included: Melanie Ann Pustay, Director, Office of Information Policy, at the Department of Justice; Miriam Nesbit, Director of the Office of Government and Information Services; René Dupuy, USAID's General Counsel Attorney advisor for FOIA in the Office of the General Counsel; as well as USAID's FOIA professionals.

USAID participants included: Bureau and Independent Offices Leaders, FOIA professionals, attorneys from the Office of the General Counsel, Open Government liaisons, and many staffers regularly charged with responding to FOIA inquiries.

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

Yes. USAID's FOIA professionals and General Counsel staff participated in various FOIA related training including:

- Dispute Resolutions

- Exemption 2 and Fee Summit
- Association Society of Access Professionals FOIA/Privacy Act Seminars
- FOIA for Attorney and Access Professionals
- FOIA Annual Report Refresher Training

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?

USAID always seeks to release as much information as possible. There were no discretionary releases in 2011. The primary exemptions applied (Exemptions 3, 4, & 6) limits USAID's ability to make discretionary releases.

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

USAID made no discretionary releases in FY2011.

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

The FOIA office consults with various offices within the agency, including the General Counsel's office, to determine if discretionary releases are possible. This multi-level review and analysis ensures that a foreseeable harm is linked to any information falling within the scope of a discretionary exemption, and (1) if no harm is found, and (2) the agency determines that the information may be other released, the information is then be discretionarily released.

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

In the spirit of openness and transparency, USAID will identify previously requested documents and proactively place those responsive documents into the public domain via the FOIA electronic reading room, in advance of subsequent FOIA request. Additionally, through its Open Government Initiative, various program details and related key documents are made available for public review on the open government website at <http://www.usaid.gov/open/>.

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?

Yes. See chart below.

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

Yes. See chart below.

Releases	FY 2010	FY 2011
Full Grants	45	74
Partial Grants	103	145

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."

Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. 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. 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?

Yes. FOIA professionals regularly collaborate with the Bureau for Management's Office of the Chief Information Officer (M/CIO) through the Information Technology (IT) project manager assigned to direct and manage all efforts concerning our FOIA tracking system.

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

Yes. USAID's FOIA professionals regularly interact with M/CIO staff to determine the best way to produce the information to adequately respond to a request. A recent example was a project collaboration that produced a voluminous amount of information from the agency's websites.

3. Do your FOIA professionals interact with your Open Government Team?

The FOIA Public Liaison Officer and FOIA team leader regularly engage with the Open Government coordinator to manage and track milestones set forth in the agency's Open Government plan.

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

In FY2011, a new FOIA Public Liaison Officer was appointed to provide supervision and ongoing oversight and review of FOIA activities. Through risk assessments and gap analyses, process improvements and staffing needs were identified. The agency employs a surge strategy with contracts for FOIA services to augment the direct-hire staff as needed.

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

There is broad collaboration of agency personnel with the FOIA professionals in responding to requests, and consists of the following:

- FOIA Contact Officers (FCO): The FCO is the first point of contact in the bureaus, offices, or missions. They direct the request for documents to the appropriate office and keep track of their progress. The FCO informs the FOIA specialist of any delays or directs the FOIA specialist to another office which can better respond to the request.
- Action Officers in the Bureau/Office/Mission: The action officers search for the documents and provide recommendations on the release and/or withholding of information.
- General Counsel (GC) Office – The GC office provides advice and clears the FOIA requests.
- Declassification Team – The Declassification team reviews and provides recommendations requests, consultations, or referrals that include classified documents over 25 years old.
- IT Support – The FOIA office works with and receives support from the M/CIO. The M/CIO provides assistance with computers including malfunctions, updates, and repairs, as well as a dedicated IT Project Manager to work with the software vendor of the FOIA tracking system.

In addition, the following key personnel work to ensure agency FOIA efficiency of operations:

- Chief FOIA Officer
- FOIA Appeals Officer
- FOIA Public Liaison Officer
- FOIA Principal Contact

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 proactive disclosures of information.

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

Yes. The USAID public website, www.usaid.gov, is updated on a regular basis with material deemed interesting and important to the public and our stakeholders. You can also read and download recent [USAID press releases](#), [reports to Congress](#) and [speeches and testimony by USAID senior staff](#).

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

With the mandates of the U.S. Government's Open Government Initiative, Paris Declaration, and the Accra Agenda for Action, the U.S. Government is required to make information on foreign assistance programs more transparent.

The [Foreign Assistance Dashboard](#) provides a view of U.S. Government foreign assistance funds and enables users to examine, research, and track aid investments in a standard and easy-to-understand format. It aims to eventually integrate all U.S. Government foreign assistance budget, financial, program, and performance data. USAID is working to integrate our data sets into the Dashboard under common U.S. Government data standards.

The Dashboard currently includes Department of State and USAID foreign assistance budget planning data. These figures can be found in the annual [Congressional Budget Justification](#) submitted jointly by the Department of State and USAID and the annual [appropriations bills](#).

As we work to integrate more USAID data into the Dashboard under a common framework, USAID-specific Budget, Spending, Performance, and Programming data can be found in the links identified below.

Budget and Spending

USAID is committed to managing our appropriations in a transparent and accountable fashion as we carry out a mission that reflects the generosity of the American people and improves the lives of millions worldwide. A listing of resources that present foreign assistance budget and

spending information to a wide variety of audiences, can be found here:
<http://www.usaid.gov/performance/budget-spending/>

In addition, each year, USAID publishes U.S. Overseas Loans and Grants, Obligations and Loan Authorizations, commonly known as the Greenbook. In recent years, the on-line version has provided a complete historical record of all foreign assistance provided by the United States to the rest of the world. This website is a companion to the annual report to Congress (see <http://gbk.eads.usaidallnet.gov/>). USAID also reports Official Development Assistance (ODA) to the Organization for Economic Cooperation and Development (OECD) on behalf of the U.S. Government (see <http://usoda.eads.usaidallnet.gov/>).

Agency Performance Reports

USAID monitors, evaluates, and reports on its performance in different ways to meet the needs of a variety of stakeholders, including the Congress and the American public. We have produced a series of mandated reports, including an Agency Strategic Plan, Agency Financial Report (AFR), Annual Performance Report (APR), and a Summary of Performance and Financial Information. More information on each of these reports, can be found on the Agency Performance page, here: <http://www.usaid.gov/performance/agency-performance/>

USAID Documents / Development Experience Clearinghouse

USAID's Development Experience Clearinghouse (DEC) is the largest online resource for USAID funded technical and program documentation, with **over 153600** documents available for electronic download. Search USAID's online database of agency-funded technical and program-related documents to download USAID documents in PDF format for free: <http://dec.usaid.gov/index.cfm>

USAID Data Sets Available through Data.gov

As a priority Open Government initiative, Data.gov increases the ability of the public to easily find, download, and uses datasets that are generated and held by the Federal Government. USAID's data set catalog can be found here. Be sure to view USAID information available both under the Raw Dataset Catalog and the Tool Catalog tabs. <http://www.data.gov/list/agency/184/0/catalog/raw/page/1/count/50>

a. What types of records have been posted?

The agency posts records that have garnered interest and have been requested in previous years. USAID proactively releases these documents in the public domain. The FOIA team will work with program offices to get frequently requested documents posted.

b. Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.

- ✓ Listing of USAID employees who are small-purchases credit card holders
- ✓ Contracts related to the Iraq reconstruction

- ✓ Audit of the Adequacy of USAID's Antiterrorism Vetting Procedures

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

The FOIA office reviews documents that have been requested at least three (3) times and considers them for posting. In FY2012, the FOIA tracking system will introduce a feature that will flag documents meeting this criterion that can then be posted to the FOIA electronic reading room.

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.?

Yes. Specifically, the FOIA website will be updated in FY2012, which will present information in a more useful and user-friendly manner. Additionally, in an effort to better reach our diverse audiences around the world, USAID is developing a redesigned external website (www.usaid.gov) that is expected to launch this summer. The new website will use cutting-edge tools to provide accessible, up-to-date information about our work: the results we deliver, partnerships we forge, and lives we touch. As we seek to improve our transparency, strengthen our internal communications, and deepen our engagement with a range of stakeholders, the development of an updated website is a priority for everyone at USAID.

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

The Agency has a number of ways the public can [stay connected](#) with the work of the Agency, including RSS feed subscriptions and a USAID monthly newsletter, [Frontlines](#). USAID is also using social media tools such as [Facebook](#), [YouTube](#), and [Twitter](#) to keep the public informed on Agency activities. Administrator Shah recently launched [his own Twitter feed](#).

The [USAID Impact Blog](#), our weekly online newsletter highlights USAID programs and activities from around the world. Through images and personal stories, the newsletter contributes to greater awareness and understanding of our mission, the challenges we face and our work to solve global problems and create positive change in the world.

Administrator Shah launched USAID's first [Annual Letter](#) in March 2011, starting what is hoped to become an annual tradition of transparency at the Agency. Since arriving at USAID, it has been the Administrator's priority to share the great work of the Agency's staff with the American people in a more, direct, transparent and accessible way. Dr. Shah wrote this annual letter to more directly communicate USAID's work to the millions of Americans who care about its mission -- overcoming global poverty, hunger, illness and injustice -- and enable the Agency's work around the world. From detailing USAID reforms, to explaining current efforts in Haiti, Afghanistan and Sudan, to describing the new approaches presented by Feed the Future and the Global Health Initiative, the letter offers an accessible account of USAID's efforts. Dr. Shah wants Americans to know that, "by doing good, we do well. Our assistance depends on generosity from the American people. But it also derives benefits for the American people: it keeps our country safe and strengthens our economy."

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?

Yes. USAID receives electronic requests via a dedicated FOIA email mailbox at FOIA@usaid.gov. FOIA requests may also be faxed to (202) 216-3070.

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

The FOIA function is centralized in the Bureau for Management's Office of Management Services, Information and Records Division (M/MS/IRD) at USAID. This division is responsible for the receipt of all FOIA requests for the agency. Requests for documents are sent to various bureaus, missions, and offices to fulfill the requests. M/MS/IRD has the authority and full responsibility to receive, process, and make release and withholding determinations for all FOIA requests.

Online Tracking of FOIA Requests

3. Can a FOIA requester track the status of his/her request electronically? No.

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

USAID anticipates introducing a public access link that will allow the public to submit and track the status of FOIA requests via the internet. The requester will be able to create a user account and password, which will allow them to submit their request electronically, check request status, and download their responsive records.

Use of technology to facilitate processing of request:

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? Yes.

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

USAID uses collaboration tools such as web-based content management systems. It allows users to edit and maintain web pages without advanced knowledge of HTML or other web technologies. These tools are used to create internal websites for bureaus and other groups to collaborate by using document libraries, discussion boards, task and project tracking, team calendars and wikis. Additionally, in response to President Obama's Memo on Managing Government Records, the agency has launched an e-First initiative that includes plans to modernize and digitize its records which will provide improved record search capabilities.

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

Improvements to timeliness in responding to pending FOIA requests and reductions in backlogs are both ongoing agency efforts. 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, 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" request, 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.**
 - 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? No.**
 - 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? Not Applicable.**

- 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?** Yes.
- b. **If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?** No
- c. **In Fiscal year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?** No. However, since the FY2011 fiscal year end, and prior to this reports submission, the ten oldest requests that were pending as of the end of Fiscal Year 2010 have been closed.
- 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?** No

Fiscal Year	Backlog of FOIA Requests	Backlog of Appeals
2010	275	12
2011	215	22
Difference	-60	+10

Number of the Ten Oldest Requests Closed	FOIA Requests	Appeals
	10	3

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:

- a. **Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?** Not Applicable. Backlog was decreased.
- b. **Was the lack of a reduction in the request backlog caused by a loss of staff?** Not Applicable. Backlog was decreased.
- c. **Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?** Not Applicable. Backlog was decreased.
- d. **What other causes, if any, contributed to the lack of a decrease in the request backlog?** Not Applicable. Backlog was decreased.

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?** No.
- b. **Was the lack of a reduction in the appeal backlog cause by a loss of staff?** No.
- c. **Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?** Yes, USAID received a number of complex requests, including requests from the media which asked for voluminous amounts and types of documents.

- d. **What other causes, if any, contributed to the lack of a decrease in the appeal backlog?** While the General Counsel attorneys are consulted, the FOIA team does not have a full-time legal expert.

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?**

Yes, the Chief FOIA Officer set goals for processing and completing FOIA requests. During this reporting period, USAID closed all of its oldest cases from FY2006 and FY2007. Unprecedented attention and additional resources focused in this area. In addition, each FOIA specialist consistently reviewed their portfolio to bring these cases to closure. Weekly and monthly reporting on FOIA statistics ensures that management, at every level, participates and monitors FOIA progress.

2. **Has your agency increased its FOIA staffing?**

Yes. The Information and Record Division Chief, who also serves as the FOIA Public Liaison Officer, was appointed in April 2011. The FOIA contract staff reached a complement of five (5) FOIA specialists in 2011. One direct-hire FOIA Specialist position was filled in early FY2012.

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

An upgrade to the FOIA tracking system helped to facilitate an increase in timeliness. The upgrade streamlined the FOIA business process and reduced processing time/delays/backlogs, increasing efficiency and productivity in request processing, automating compliance and generating accurate statistical reporting.

4. **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 agreement with other agencies on the handling of particular information to speed up or eliminate the need for consultations?**

USAID has defined internal practices to handle consultations with other agencies. Partnering with other agencies to create efficiencies is a key area of focus.

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 involved? No statutory exclusions were involved.

Spotlight on Success

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

USAID's prior years FOIA backlog was reduced by 51% in just one year. An aggressive strategy, with targeted goals, coupled with a dedicated team of FOIA professionals, management, and agency partners, contributed to this success, which far surpasses the Attorney General's (AG) annual reduction goal of 10%.