

2012 CHIEF FOIA OFFICER REPORT

Court Services and Offenders Supervision Agency

for the District of Columbia (CSOSA)

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?

CSOSA did not hold a FOIA conference during this reporting period. However, all new employees were provided FOIA training as part of the agency's new employee orientation program.

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

The Agency has two full-time FOIA employees. Neither attended training during this reporting period.

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?

Approximately 98% of the agency's FOIA requests involve Privacy Act protected information. As a law enforcement agency, we review requests and make discretionary releases when there is no probability of harm from the release.

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

The discretionary releases were covered by the (b)(5) exemption to the Freedom of Information Act.

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

Decisions to make discretionary releases are made during the initial review of a request. Occasionally, the agency will receive a non-routine request where the decision for discretionary release is more complex. Those requests are reviewed in conjunction with the agency's legal counsel and the appropriate executive staff.

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

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. Between 2010 and 2011 CSOSA experienced a decrease in the number of responses where records were released in full. In 2010 we released 38 requests in full and in 2011 we released 32 requests in full.

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

Yes. In 2010 we released 532 requests in part and in 2011 we released 654 requests in part.

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?

Yes. The agency's Office of Information and Technology (OIT) provides sufficient support to FOIA staff.

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

Yes. The agency's Chief FOIA Officer and FOIA professionals interact daily.

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

The agency's Open Government Team is facilitated by CSOSA's OIT and Office of Research and Evaluation (ORE) staff. OIT, ORE, and FOIA staff interact as needed to fulfill Open Government requirements.

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

The agency has two FOIA professionals. The agency does not currently have a backlog of requests and historically has had fewer than 200 backlogged requests at any given time. FOIA office staffing decisions are based on our ability to meet our mandate. To date, we have not identified a need to increase FOIA staffing.

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

Our electronic FOIA tracking system is updated regularly. Internally, our processes require that we take initial action on all FOIA requests within 24 hours of receipt.

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

The agency's public website is updated regularly. Press Releases, Congressional testimony, agency budget and financial reports, research results, links to media broadcasts, upcoming events and new policies are continually posted. All "DC Public Safety" television and radio programs produced by the Agency are posted to the agency's public website.

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

Since most of CSOSA's FOIA requests involve Privacy Act protected records, we do not post these records to our website. The agency does post FOIA annual reports, Chief FOIA Office reports and FOIA policies.

2. 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.?

CSOSA has not sought feedback from the public regarding the information we post to our website. We will, however, respond to any suggestions from the public.

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

Since our requests deal with Privacy Act protected records, we do not seek proactive disclosures.

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?

Yes, FOIA requests can be made electronically. However, Privacy Act requests must be made through the mail or in person.

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

CSOSA's FOIA requests are centralized in a single office.

Online tracking of FOIA requests:

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

At this time, the public cannot electronically track the status of their requests.

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

The agency has not taken steps to establish request tracking capability for the public. We will explore this possibility with our Office of Information Technology.

Use of technology to facilitate processing of requests:

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.

The agency has not identified a need for more advance technology based on the nature of our FOIA requests.

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

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.

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. In Fiscal Year 2011, simple requests were processed in an average of 29.92 days.

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?

N/A

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?

In 2010 CSOSA had a backlog of 169 requests. The backlog was reduced to 159 requests in 2011.

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

The agency did not have a backlog of appeals in 2010 or 2011.

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

Yes.

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?

N/A

2. 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?
- b. Was the lack of a reduction in the request backlog caused by a loss of staff?
- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?
- d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

Administrative Appeal Backlog:

- e. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?
- f. Was the lack of a reduction in the appeal backlog caused by a loss of staff?
- g. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?
- h. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

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 FOIA Officer has a goal of responding to FOIA requests within 20 days. FOIA caseloads are regularly monitored and adjusted to the extent possible to meet response time goals.

2. Has your agency increased its FOIA staffing?

FOIA staffing did not increase during this reporting period.

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

The agency has not made IT improvements to increase timeliness. We are, however reviewing internal processes to identify ways to improve timeliness.

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 agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?

CSOSA did not receive any consultations from other agencies during this reporting period.

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.

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

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.

Occasionally, requesters visit the office to obtain FOIA documents which they will need in a few days. Over the last year, our FOIA office has made a concerted effort to provide that information on the same day of the request, when the documents are available and able to be processed.