Chief FOIA Officer's Report

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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.

1. *Describe below the steps your agency has taken to ensure that presumption of openness is being applied to all decisions involving the FOIA. This section should include a discussion of the range of steps taken by your agency to apply this presumption, from publicizing the President's FOIA Memorandum and Attorney General's FOIA Guidelines and providing training on them, to implementing the presumption in response to FOIA requests and administrative appeals, with examples or statistics illustrating your agency's action in making discretionary releases of records or partial releases when full disclosure is not possible.*

   a. Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.
   An Agency-wide notice first announced the President's FOIA memorandum and Attorney General's FOIA Guidelines. The USAID Administrator, in his designation of the Agency Chief FOIA Officer, echoed the President and Attorney General's message of transparency and openness embodied in FOIA.   Both the President's FOIA memorandum and Attorney General's FOIA Guidelines are posted on the USAID FOIA website for quick reference and serve as a continuous reminder of the agency's renewed commitment.

   b. What training has been attended and/or conducted on the new FOIA Guidelines?
   USAID's FOIA Specialists and General Counsel staff participated in Department of Justice (DoJ) FOIA related training. The FOIA team leader attended DoJ meetings regarding the new FOIA guidelines and communicated information to the appropriate staff as necessary. The FOIA team also met with and held subsequent internal meetings with its USAID General Counsel's office regarding the implementation of the new guidelines. Agency FOIA professionals will participate in various FOIA training events throughout the year.

   c. How has your agency created or modified your internal guidance to reflect the presumption of openness?
   USAID has a long-standing policy to put as much information as possible and practical on its website. We update our web pages practically every day, as materials are produced and released by USAID subject matter experts. We post a listing of these updates daily, as well as maintain an archival listing of updates. When new information becomes available that is important to the public, we are committed to putting it on our website as quickly as practicable. The agency has a link to an inventory and schedule for updating information on our home web page at http://www.usaid.gov/policy/egov/inventory.html.

   The USAID Open Government web page operates in very similar fashion, and collectively these practices reflect the presumption of openness for the agency. The requirements outlined in the President's FOIA Memorandum and Attorney General's FOIA Guidelines will be translated into agency policy in our Automated Directive System (ADS).

   d. To what extent has your agency made discretionary releases of otherwise exempt information?
   USAID always seeks to release as much information as possible. The agency made discretionary releases; however, there was no counting mechanism in place during FY2010. In FY2011, a FOIA tracking system upgrade will allow USAID to account for its discretionary releases and provide statistics.

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

Exemptions two (2) and five (5) would have covered the information that was released as a matter of discretion in those instances.

f. How does your agency 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 which 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 discretionarily released.

g. 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 identifies previously requested documents and proactively places those responsive documents into the public domain via the FOIA electronic reading room, in advance of subsequent FOIA requests.   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/.

2. *Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report.*

Records Released	FY 2009	FY 2010
Full Grants	60	48
Partial Grants	119	104

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.

a. Do FOIA professionals within your agency have sufficient IT support?
Yes, we regularly collaborate with the Office of the Chief Information Officer (CIO), who recently assigned an Information Technology (IT) project manager to direct and manage all efforts concerning our FOIA tracking system.

b. Describe how your agency's FOIA professionals interact with your Open Government Team.

The FOIA team leader participated on the agency's Open Government taskforce and contributed information to the FOIA and Records Management sections of the Open Government plan. The recently designated FOIA Public Liaison Officer and FOIA team leader regularly engages with the Open Government coordinator to manage and track milestones set forth in the agency's Open Government plan.

c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.
A FOIA Program Manager now provides ongoing oversight and review of the FOIA activities. Through risk assessments and gap analyses, process improvements are identified, including staffing needs. The agency employs a surge strategy that contracts for FOIA services to augment the direct-hire staff as needed.

d. 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 its progress. The FCO informs the FOIA specialist of any delays or directs us to another office 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's office provides counsel and clears on some FOIA requests. These are typically sensitive in nature.
- Declassification Team – The Declassification team reviews and provides recommendations for requests, consultations, or referrals that include classified documents over 25 years old.
- IT Support – The FOIA office works with and receives support from the Chief Information Office (CIO). The CIO provides assistance with computers including malfunctions, updates, and repairs. In late FY2010, the CIO assigned a project manager to work with the FOIA software vendor to implement the update 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 to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines.   In doing so, answer the questions listed below and describe any additional steps taken by your agency to make proactive disclosures of information.

a. **Has your agency added new material to your agency website since last year?**
   Our agency website is updated on a daily basis with material deemed interesting and important to the public. Newest postings include:
   - Open Government Information at http://www.usaid.gov/open
   - On a regular basis, additions are posted on these existing pages as well:

     o Development Clearing House regularly posts USAID reports to http://dec.usaid.gov/
     o Agency, Program, Management, and Budget/Spending reports can be found at http://www.usaid.gov/performance/

   Additionally, the agency shares and publishes information on other federal websites to increase disclosure including:

   - Data sets at http://www.data.gov
     o Trade Capacity Building
       The database provides funding levels of U.S. Trade Capacity Building (TCB) activities designed to promote economic growth through international trade in developing countries and transition economies.
     - U.S. ODA Disbursements by Recipient Country and U.S. Agency
       Official Development Assistance (ODA) is defined by international agreement. These U.S. ODA statistics provide details of U.S foreign assistance by country and implementing agency as reported to the Development Assistance Committee at the Organization for Economic Co-operation and Development.
     - U.S. Overseas Loans and Grants (Greenbook)
       These data are U.S Economic and Military Assistance by country from 1946 to present. This is the authoritative data set of U.S. foreign assistance. The data set is used to report U.S Economic and Military Assistance to Congress as required by the Foreign Assistance Act, Section 634. (16 votes) USAID Foreign Commerce and Aid
     - U.S. CRS++ Submission to the OECD/DAC CY2009
       U.S. Official Development Assistance, Other Official Flows and Private Flows to developing countries for calendar year 2009. This is the official U.S. government submission of the CRS++ table to the OECD/DAC.

   The State Department and USAID jointly completed a website recently that shows where our money goes at http://www.foreignassistance.gov

b. **What types of records have been posted?**
   The agency post records that have garnered interest and have been requested in previous years. We proactively release these documents in the public domain. The FOIA team will work with program offices to get frequently requested documents posted.

c. 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

d. What system do you have in place 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 FY2011, the FOIA tracking system will introduce a feature that will flag documents meeting these criteria to populate the FOIA electronic reading room. Additionally, the USAID Open Government Team is meeting with bureaus, independent offices, as well as field missions, from across the agency to conduct a data inventory and determine what additional information can be published and posted. In addition, the Open Government Team is working to improve the USAID Open Government public website to include relevant information that will help the public and Agency stakeholders better understand the work and the mission of the Agency.

e. How do you utilize social media in disseminating information?
Social media is an outlet to reach people who may have an interest in USAID, but would not be likely to visit our website on a regular basis. As such, any items posted to social media are first made available to the public on our agency website. Our social media content is designed for a non-professional audience and attempts to tell the USAID story through narrative rather than reports.

f. Describe any other steps taken to increase proactive disclosures at your agency.
In addition to the reviews conducted by the FOIA team and the resulting proactive postings of frequently requested information, USAID is committed to the goals of transparency, collaboration, and participation as outlined in President Obama's Open Government Initiative and has developed an Open Government Plan posted on the USAID Open Government public website (www.usaid.gov/open). The focus of the year ahead is to further implement the commitments developed in that plan. To date, our Agency has posted four raw data sets and five database tools to the Data.gov website, one of which (U.S. Overseas Loans and Grants – Greenbook) consistently ranks among the most downloaded government data sets. Additional data sets are currently in the pipeline for posting. USAID expects to see significant progress over the next year in meeting its Open Government goals.

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 agencies reported widespread use of technology in handling FOIA

requests. For this section of your Chief FOIA Officer Report for 2011, please answer the following more targeted questions:

1. *Electronic receipt of FOIA requests:*

   a. What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?
   The FOIA function is centralized in the Information and Records Division (IRD) at USAID. This office 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. IRD has full authority and responsibility to receive, process, and make release and withholding determinations for all FOIA requests.

   b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?
   Not Applicable

   c. What methods does your agency use to receive requests electronically?
   USAID receives electronic request via a dedicated FOIA email mailbox at FOIA@usaid.gov. We also receive FOIA requests by fax (202) 216-3070 and regular mail. With a FOIA tracking system upgrade, beginning FY 2011, through a public access link on our agency website, the public will be able to submit and track the status of FOIA requests over the internet. The requester will be able to create a user account and password, which will allow them to submit their request electronically, check their request status, and download their responsive records.

2. *Electronic tracking of FOIA requests:*

   a. What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?
   The FOIA is a centralized function residing in the USAID's Information and Records Division.

   b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?
   Not Applicable

   c. What methods does your agency use to track requests electronically?
   The agency uses a commercial off-the-shelf software system to track requests electronically.

3. *Electronic processing of FOIA requests:*

   a. What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?
   The FOIA is a centralized function residing in the USAID's Information and Records Division.

   b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?
   Not Applicable

   c. What methods does your agency use to process requests electronically?
   The agency uses a commercial off-the-shelf software system to process requests electronically

4. *Electronic preparation of your Annual FOIA Report:*

    a. What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.
        USAID uses a FOIA specific commercial off-the-shelf software system to prepare the Annual FOIA Report.

    b. If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.
        The version of the FOIA software used to prepare the FY2010 Annual FOIA Report was outdated and did not meet all new reporting requirements outlined in the FOIA guidelines. Thus, preparation of the report required manual manipulation. However, in FY2011 the agency invested in a system upgrade that will allow us to produce the full DOJ-mandated formatted report in the future.

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. Section XII of your Annual FOIA Report includes figures that show your agency's backlog of pending requests and administrative appeals for the past two fiscal years. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In this section you should address the following elements.

1. *If your agency has a backlog, report here whether that backlog is decreasing. That reduction should be measured in two ways. First, report whether the number of backlogged requests and backlogged administrative appeals that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year. Second, report whether your agency closed in Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them your agency did close.*

Fiscal Year	Backlog of FOIA Requests	Backlog of Appeals
2009	223	9
2010	306	14
Difference	**+ 83**	**+ 5**

	FOIA Requests	Appeals
Number of the Ten Oldest Requests Closed	9	0

2. *If there has not been a reduction in the backlog as measured by either of these metrics, describe why that has occurred. In doing so, answer the following questions and then include any other additional explanation:*

    a. Is the backlog increase a result of an increase in the number of incoming requests or appeals?
        No, the backlog is not a result of an increase in the number of incoming requests and appeals received.

    b.   Is the backlog increase caused by a loss of staff?
In part. The agency's senior most FOIA Specialist, the IRD Division Chief, retired. However, the agency initiated recruitment efforts to fill this critical position.

    c.   Is the backlog increase caused by an increase in the complexity of the requests received?
Yes, USAID received a number of complex requests, including requests from the media which asked for voluminous amounts of documents.

    d.   What other causes, if any, contributed to the increase in backlog?
USAID received a number of requests that required submitter notifications during FY2010. Time spent reviewing the submitter responses, and at times, renegotiation of redactions are contributors. In addition, activities associated with a FOIA litigation case consumed a lot of time. Cases that called for extensive review because of the number and nature of documents involved contributed to the increase in the backlog as well.

3. *Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals. In doing so answer the following questions and then also include any other steps being taken to improve timeliness.*

    a.   Does your agency routinely set goals and monitor the progress of your FOIA caseload?
Yes, the agency set goals for processing and completing FOIA requests. Priority processing is the main goal. USAID was able to close nine out of the ten of the oldest FOIA requests from FY2009 employing this method. During FY2010, USAID focused unprecedented attention and additional resources on older cases where the FOIA office had not received a response from the action office, identifying impediments and taking corrective actions towards completion. In addition, each FOIA specialist reviews their caseload. Aggressive metrics goals will spur increased production. Weekly and monthly reporting on the FOIA caseload throughout the agency ensures management at every level participates and monitors progress.

    b.   Has your agency increased its FOIA staffing?
In FY2011, additional contractors will augment the existing FOIA staff.

    c.   Has your agency made IT improvements to increase timeliness?
A recent upgrade to the FOIA tracking system will help to facilitate an increase in timeliness. The upgrade will streamline the FOIA business process and reduce processing time/delays/backlogs, increasing efficiency and productivity in request processing, automating compliance and generate accurate statistical reporting.

    d.   Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?
Yes. The Chief FOIA Officer (CFO) champions the FOIA program, availing himself and resources to make it successful. In his advocacy, he holds every agency employee accountable. He conveys the importance of FOIA in senior meetings and in agency messaging, highlighting roles and responsibilities, stressing that the agency as a whole is responsible helping with the FOIA program. He not only oversees the FOIA program, he is actively engaged in FOIA activities.

Spotlight on Success

Out of all the activities undertaken by your agency in this last year to increase transparency, describe here one success story that you would like to highlight as emblematic of your efforts.

In the spirit of transparency and openness outlined in President Obama's FOIA memorandum, and our renewed commitment to FOIA principles, the USAID FOIA office collaborated with the agency's Open Government Team, forging a partnership that yielded improved FOIA accountability, reporting and disclosures. Continued collaboration between USAID's FOIA and Open Government teams will result in the proactive releases of publicly-available information.