



America's Partner for Equal Justice

**FY 2007 Annual Freedom of Information Act Report
of the Legal Services Corporation
&
Report on Implementation of Executive Order 13,392**

The Legal Services Corporation (“LSC” or “Corporation”) was established as a private, non-membership, non-profit corporation by the Legal Services Corporation Act, Pub. L. 93-355 (1974), as amended, 42 U.S.C. §2996 *et seq.* Section 2996(g) of Title 42 provides that the Corporation is subject to the requirements of the Freedom of Information Act (“FOIA”), 5 U.S.C. §552. This report is submitted pursuant to FOIA and relates to the Corporation’s FOIA activities for the period from October 1, 2006 through September 30, 2007. See 5 U.S.C. §552 as amended.



I. Basic Information

- A. Following are the persons available to discuss this report:

Patricia D. Batie

Manager of Board Operations & FOIA Officer
Office of Legal Affairs
Legal Services Corporation
3333 K Street, N.W.
Washington, DC 20007-3522
Telephone: (202) 295-1500

or

Victor M. Fortuno

Vice President for Legal Affairs and Chief FOIA Officer

- B. This report may be found in LSC's **Freedom of Information Act** section of the Legal Services Corporation's web site at <http://www.lsc.gov/foia2/reports.php>, and directly at <http://www.lsc.gov/foia2/pdfs/epr/foia2007.pdf>.
- C. A copy of this report may be obtained in paper form by submitting a written request for "LSC's FY 2007 Annual FOIA Report" to:

Patricia D. Batie

Manager of Board Operations & FOIA Officer
Office of Legal Affairs
Legal Services Corporation
3333 K Street, N.W.
Washington, DC 20007-3522

II. How to File a FOIA Request

LSC's FOIA Handbook provides a brief overview of the history and purpose of FOIA, and explains how to submit a FOIA request for LSC records. The handbook may be found at <http://www.lsc.gov/foia2/handbook.php>.

- A. Following is the LSC official who receives FOIA requests.

Patricia D. Batic

Manager of Board Operations & FOIA Officer

Office of Legal Affairs

Legal Services Corporation

3333 K Street, N.W.

Washington, DC 20007-3522

Telephone: (202) 295-1500

- B. The response time for FOIA requests ranged from 1 to 1,034 days.
- C. Certain requests were denied in whole or in part because the material requested was either statutorily exempt from disclosure or the records requested were not in the possession of the Legal Services Corporation.

III. Definitions of Basic Terms and Acronyms

- A. Agency-specific acronyms or other terms:
 - 1. *LSC or Corporation* -- as noted above, refers to the Legal Services Corporation.
- B. Basic terms, expressed in common terminology
 - 1. *FOIA request* -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest, including Privacy Act requests.
 - 2. *Initial request* -- a request to a federal agency for access to records under the Freedom of Information Act.
 - 3. *Appeal* -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of

Information Act, or any other FOIA determination such as a matter pertaining to fees.

4. ***Processed Request or Appeal*** -- a request or appeal for which an agency has taken a final action on the request or appeal in all respects.
5. ***Multi-track Processing*** -- a system in which simple requests requiring relatively minimal review are placed in one track for processing while more voluminous and/or complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis (Note a requester who has an urgent need for records may request expedited processing (see below)).
6. ***Expedited processing*** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records that warrant prioritization of his or her request over other requests that were made earlier.
7. ***Simple request*** -- a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of the records requested.
8. ***Complex request*** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of the records requested.
9. ***Grant*** -- an agency decision to disclose all records in full in response to a FOIA request.
10. ***Partial grant*** -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more FOIA exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.

11. ***Denial*** -- an agency decision not to release any part of a record or records in response to a FOIA request because all of the information in the requested records is determined by the agency to be exempt under one or more FOIA exemptions, or for some procedural reason, such as when no record is located in response to a FOIA request.
12. ***Time limits*** -- the time period in the Freedom of Information Act for an agency to notify a requester whether or not the requested records will be provided. Such notice would ordinarily be issued 20 days from receipt of a “perfected” FOIA request.
13. ***Perfected request*** -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. ***Exemption 3 statute*** -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. ***Median number*** -- the middle number of a series of numbers.
16. ***Average number*** -- the number obtained by dividing the sum of a series of numbers by the quantity of numbers in the group.
17. ***Day*** -- refers to calendar days, including weekends and holidays.
18. ***EO*** -- refers to Executive Order 13,392 entitled “Improving Agency Disclosure of Information.”
19. ***FY*** -- refers to “Fiscal Year.”

20. *Plan* -- refers to the FOIA Improvement Plan submitted by the Legal Services Corporation pursuant to EO 13,392.

IV. Exemption 3 Statutes

- A. LSC has not relied on Exemption 3 during the course of the current fiscal year.

V. Initial FOIA/PA Access Requests

A. Numbers of Initial Requests:

1. Number of requests pending as of preceding fiscal year end: 93
2. Number of requests received during current fiscal year: 58
3. Number of requests processed during current fiscal year: 48
4. Number of requests pending as of current fiscal year end: 103

B. Disposition of Initial Requests:

1. Number of total grants: 20
2. Number of partial grants: 1
3. Number of denials: 0
 - a. Number of times each FOIA exemption was used:
 - (1) Exemption 1: 0
 - (2) Exemption 2: 0

(3) Exemption 3:	0
(4) Exemption 4:	0
(5) Exemption 5:	0
(6) Exemption 6:	1
(7) Exemption 7(A):	0
(8) Exemption 7(B):	0
(9) Exemption 7(C):	0
(10) Exemption 7(D):	0
(11) Exemption 7(E):	0
(12) Exemption 7(F):	0
(13) Exemption 8:	0
(14) Exemption 9:	0

4. Other reasons for nondisclosure: 27

a. No records:	0
b. Referrals:	0
c. Request withdrawn:	1
d. Fee-related reason:	0
e. Records not reasonably described:	0
f. Not a proper FOIA request for some other reason:	10
g. Not an agency record:	15
h. Duplicate request:	0
i. Other:	1
▪ On request became moot due to action by LSC's Board of Directors that resulted in revision of the regulation which was the subject of the FOIA request.	

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of Appeals:

1. Number of appeals received:	1
2. Number of appeals processed:	1

B. Disposition of Appeals

1. Number completely upheld: 0
2. Number partially reversed: 0
3. Number completely reversed: 0
 - a. Number of times each FOIA exemption was used:
 - (1) Exemption 1: 0
 - (2) Exemption 2: 0
 - (3) Exemption 3: 0
 - (4) Exemption 4: 0
 - (5) Exemption 5: 0
 - (6) Exemption 6: 0
 - (7) Exemption 7(A): 0
 - (8) Exemption 7(B): 0
 - (9) Exemption 7(C): 0
 - (10) Exemption 7(D): 0
 - (11) Exemption 7(E): 0
 - (12) Exemption 7(F): 0
 - (13) Exemption 8: 0
 - (14) Exemption 9: 0
4. Other reasons for nondisclosure: 0
 - i) No records: 0
 - ii) Referrals: 0
 - iii) Request withdrawn: 0
 - iv) Fee-related reason: 0
 - v) Records not reasonably described: 0
 - vi) Not a proper FOIA request for some other reason: 0
 - vii) Not an agency record: 0
 - viii) Duplicate request: 0
 - ix) Other: 1 [failure to respond within twenty business days]

VII. Compliance with Time Limits/Status of Pending Requests

- A.** Median processing time for requests processed during the current fiscal year:
 - 1.** Simple requests:
 - a.** number of requests processed: 44
 - b.** median number of days to process: 189
 - 2.** Complex requests
 - a.** number of requests processed: 3
 - b.** median number of days to process: 119
 - 3.** Requests accorded expedited processing
 - a.** number of requests processed: 1
 - b.** median number of days to process: 44
- B.** Status of Pending Requests
 - 1.** Number of requests pending as of current fiscal year end: 103
 - 2.** Median number of days that such requests were pending as of that date:
 - ❖ 578 days

VIII. Comparison with Previous Fiscal Year

- A.** Comparison of number of requests received:
 - ❖ 35 in FY06 vs. 58 in FY07, a 66% increase

B. Comparison of number of requests processed:

❖ 21 in FY06 vs. 48 in FY07, a 129% increase

C. Comparison of median number of days requests were pending as of the end of the fiscal year:

❖ 370 days in FY06 vs. 578 days in FY07, a 56% increase

D. Other statistics significant to agency:

❖ (None)

IX. Costs/FOIA Staffing

A. Staffing levels

1. Number of full-time FOIA personnel: 0
2. Number of personnel with part-time or occasional FOIA duties: 0.25
3. Total number of personnel: 0.25 work-years

B. Total costs

1. FOIA processing (including appeals): \$15,035
2. Litigation-related activities (estimated): \$0
3. Total costs: \$15,035

X. Fees

A. Total amount of fees collected by agency for processing requests: \$0.00

B. Percentage of total costs: 0%

XI. FOIA Regulations (Including Fee Schedule)

LSC's FOIA Regulation and Fee Schedule may be found at the following links.

- FOIA Regulation [45 C.F.R. Part 1602]:
[http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr\(2005\).pdf](http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr(2005).pdf)

- FOIA Fee Schedule (See Section 1602.13 Fees)
[http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr\(2005\).pdf](http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr(2005).pdf)

XII. Report on Implementation of Executive Order 13,392 (EO)

The prior sections of this Report are based on activities occurring during the specific period of October 1, 2006 through September 30, 2007, or FY 2007. The reporting period for this section is calendar year 2007.

The Legal Services Corporation is not a department, agency or instrumentality of the Federal government and, therefore, is not subject to Executive Order 13,392. Corporation management decided to comply with the EO on a voluntary basis near the conclusion of FY 2006. A tentative FOIA Improvement Plan was submitted by LSC to the Office of Management and Budget on September 29, 2006. LSC's Board of Directors approved the Plan on October 28, 2006. The Plan submitted by LSC, consequently, contained milestones for FY 2007 and beyond.

OFFICE OF LEGAL AFFAIRS (OLA)

The Office of Legal Affairs is responsible for processing requests submitted under the Freedom of Information Act for records in its possession, as well as in the possession of the following eight (8) management and administration offices: Executive Office, Office of Government Relations and Public Affairs, Office of Financial and Administrative Services, Office of Human Resources, Office of Compliance and Enforcement, Office of Program Performance, Office of Information Management, and the Office of Information Technology. The Corporation's

Office of Inspector General is responsible for processing requests for records in the possession of that office.

A. Description of Supplementation/Modification of Agency Improvement Plan

Not applicable.

B. Report on Agency Implementation of the Plan

The Corporation's Plan was approved after the conclusion of FY 2006 and implementation of the Plan did not commence until November 2006, approximately one year after the effective date of EO 13,392.

The Corporation's personnel and financial limitations have made implementation of the Plan a challenge. Other priorities prevent the Corporation from assigning additional resources to FOIA administration. This dilemma has been exacerbated by, among other things, the following unexpected events.

- LSC underwent extensive concurrent external and internal reviews during 2006 which consumed a great deal of the time of the Chief FOIA Officer, FOIA Officer and Legal Assistant;
- LSC underwent additional external reviews during 2007 which consumed much of the time of the Chief FOIA Officer, FOIA Officer and Legal Assistant;
- The Legal Assistant ended his employment with LSC in August 2007; and
- The FOIA Officer was the sole staff support to the Board and one of its committees during an expedited recruitment effort from August 2007 to October 2007.

The FOIA Officer also serves in the capacity of Manager of Board Operations. The Board of Directors and its committees conducted 24 meetings in 2006 and 25 meetings in

2007, the coordination and implementation of which consumed a large portion of the FOIA Officer's time. The Board and its committees met 15 times in the first four months of 2008.

C. Identification and Discussion of any Deficiency in Meeting Plan Milestones

The Corporation's competing priorities, limited personnel and financial resources have hampered progress in implementing the Plan. The intention was to hire a Legal Assistant and Executive Assistant during the reporting period. It was anticipated that these two employees would assist with FOIA administration. In particular, it was anticipated that the Legal Assistant would be able to devote 50% of his time to FOIA administration. A Legal Assistant was hired during the reporting period. The Executive Assistant position was not filled until FY 2008.

The Legal Assistant was unable to devote 50% of his time to the FOIA function due to the requirement that he provide routine administrative support in an office that otherwise had none. This individual left the Corporation's employ in August 2007 and funding for the position was subsequently eliminated.

Specialized software was identified in November 2006 that OLA personnel determined would enhance and expedite the administration of the FOIA function. Management has not allocated funding to purchase the software. Improvements predicated on the purchase of this more sophisticated software will, consequently, not be achieved.

Descriptions of those parts of the Plan LSC was unable to implement by the original target date appear below together with the intended remedy.

1. Allocation of resources

- a) FOIA Improvement Plan to which the deficient milestone relates.

The following information relates to Plan item A regarding the allocation of resources.

- b) Deficient milestone and the original target date from the FOIA Improvement Plan.

The milestone called for LSC to hire an Executive Assistant to the General Counsel by November 30, 2006.

- c) Steps taken to correct the deficiency and the dates by which the steps were completed.

The Executive Assistant joined the OLA staff on November 1, 2007.

- d) Future remedial steps and the dates by which the steps will be completed.

Not applicable.

2. Requester relations/communications

- a) FOIA Improvement Plan to which the deficient milestone relates.

The following information relates to Plan item B regarding requester relations and communications.

- b) Deficient milestone and the original target date from the FOIA Improvement Plan.

With the allocation of additional resources the Office of Legal Affairs expected to:

- i) place its telephonic FOIA Requesters Service Center into use by November 16, 2006;
 - ii) update and issue a revised FOIA Handbook and post it to www.LSC.gov by October 31, 2006; and
 - iii) issue revised internal FOIA processing guidelines to staff and post them to the Intranet by November 16, 2006.
- c) Steps taken to correct the deficiency and the dates by which the steps were completed.
- i. LSC's FOIA Requesters' Service Center is telephonic. While the telephone line has been active since March 2006, it has not been in use consistently due to our inability to staff the line on a regular basis; and
 - ii. In light of recent changes to the FOI Act, LSC's policies and procedures have been reviewed and revisions proposed as of April 11, 2008. Such revisions are currently under consideration.
- d) Future remedial steps and the dates by which the steps will be completed.
- i. We are currently working with the Executive Assistant to place her in a position to man the telephone line for at least two hours per day and expect to accomplish this by June 1, 2008.
 - ii. A revised FOIA Handbook will be posted to LSC's website by June 15, 2008.
 - iii. Revised internal processing guidelines will be posted to LSC's Intranet after completion of management's review of the current FOIA policies and procedures and any resulting Board action.

3. Backlog reduction/elimination

- a) FOIA Improvement Plan to which the deficient milestone relates.

The following information relates to Plan item C regarding FOIA backlog reduction and elimination.

- b) Deficient milestone and the original target date from the FOIA Improvement Plan.
- i. The Office of Legal Affairs expected to have an Executive Assistant on staff and functioning by December 1, 2006;
 - ii. While we were successful in hiring a Legal Assistant, he was unable to devote the desired 50% of his time to the FOIA function due to the absence of routine administrative support in OLA. As mentioned previously, the Legal Assistant left LSC's employ in August 2007 and funding for the position was eliminated. Funding for OLA's Legal Assistant position has been reallocated to another corporate function. This resource is no longer available to OLA; and
 - iii. The Office of Legal Affairs expected to purchase FOIA software, have it installed and begin use of the software by January 1, 2007.
- c) Steps taken to correct the deficiency and the dates by which the steps were completed.
- i. The Executive Assistant joined OLA's staff on November 1, 2007; and
 - ii. The Office of Legal Affairs requested authorization to purchase FOIA software, but subsequently learned that funds were not allocated.

- d) Future remedial steps and the dates by which the steps will be completed.
 - i. The Executive Assistant position was filled on November 1, 2007.
 - ii. The Office of Legal Affairs has no authority to restore funding to its vacant Legal Assistant position; and
 - iii. The Office of Legal Affairs has no authority to purchase the FOIA software needed to facilitate and enhance LSC's FOIA administration. Consequently, the FOIA Officer will continue to work with and modify the FOIA database currently in use to the extent her capabilities and time permit. This will, of necessity, be an ongoing process as the FOIA Officer is not a software programmer and must first attempt to grasp and then apply programming language to effect modifications to the database that would, at a minimum, result in LSC's collection of the fundamental information that must be reported in annual FOIA reports and otherwise.

4. Automated Tracking of Requests

- a) FOIA Improvement Plan to which the deficient milestone relates.

The following information related to Plan item D regarding the automated tracking of requests.

- b) Deficient milestone and the original target date from the FOIA Improvement Plan.

This section of the Plan was based on the expectation that FOIA software would be purchased to facilitate and enhance LSC's FOIA operation. Specifically, it was anticipated that:

- i. the FOIA software would be purchased and installed by December 15, 2006;
 - ii. data from the current database would be converted/exported to the new software by January 5, 2007; and
 - iii. the generation of management reports on the status of FOIAs would begin by January 15, 2007.
- c) Steps taken to correct the deficiency and the dates by which the steps were completed.

The Office of Legal Affairs requested authorization to purchase FOIA software, but subsequently learned that funds were not allocated.

- d) Future remedial steps and the dates by which the steps will be completed.

LSC will continue the practice of assigning tracking numbers manually using the current software available.

5. Use of information technology

- a) FOIA Improvement Plan to which the deficient milestone relates.

The following information relates to Plan item E regarding the use of information technology.

- b) Deficient milestone and the original target date from the FOIA Improvement Plan.

This section of the Plan was also based on the expectation that new FOIA software would be purchased. Specifically, it was anticipated that:

- i. templates contained in the new software would be used by January 15, 2007 to

- generate FOIA-related correspondence, including internal records search requests;
- ii. the new software would be used by January 15, 2007 to generate management reports on the status of FOIA requests; and
- iii. the new software would be used by November 15, 2007 to expediently generate the annual FOIA report.

- c) Steps taken to correct the deficiency and the dates by which the steps were completed.

The Office of Legal Affairs requested authorization to purchase FOIA software, but subsequently learned that funds were not allocated.

- d) Future remedial steps and the dates by which the steps will be completed.

Without FOIA software, items 5b(i) and 5b(iii) cannot be achieved.

6. Reading Room materials

- a) FOIA Improvement Plan to which the deficient milestone relates.

The following information relates to Plan item F regarding Reading Room materials.

- b) Deficient milestone and the original target date from the FOIA Improvement Plan.

It was anticipated that:

- i. the policies and procedures related to the disclosure of records would be reviewed with management and be revised as necessary by January 31, 2007;

- ii. revised policies and procedures governing the disclosure of records would be issued to staff by April 30, 2007; and
 - iii. A procedure requiring the quarterly review and updating of the Reading Room Index would be instituted by April 30, 2007.
- c) Steps taken to correct the deficiency and the dates by which the steps were completed.

In light of recent changes to the FOI Act, LSC's policies and procedures have been reviewed and revisions proposed as of April 11, 2008. Such revisions are currently under consideration.

- d) Future remedial steps and the dates by which the steps will be completed.

The results of management's review and, where necessary, action by the Corporation's Board, will ultimately be incorporated in guidance issued to staff.

The LSC Board of Directors' Operations and Regulations Committee will consider at its August 2008 meeting a draft Notice of Proposed Rulemaking reflecting revisions to LSC's FOIA regulation to make it compliant with the Open Government Act. It is anticipated that the rulemaking process will conclude in December 2008, after which related policies and procedures will be conformed and implemented.

D. Additional Narrative Statement regarding other Executive Order-related Activities

Not applicable.

E. Concise Descriptions of FOIA Exemptions

The nine exemptions to the FOIA authorize organizations subject to FOIA to withhold information in the following categories. Specifically, information may be withheld under FOIA if is:

1. classified national defense and foreign relations information;
2. internal agency rules and practices;
3. information that is prohibited from disclosure by another federal law;
4. trade secrets and other confidential business information;
5. inter-agency or intra-agency communications that are protected by legal privileges;
6. information involving matters of personal privacy;
7. records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
8. information relating to the supervision of financial institutions; and
9. geological information on wells.

F. Additional Statistics

1. Ten Oldest Pending FOIA Requests

<i>Calendar Year</i>	2001	2002	2003	2004	2005	2006	2007
Requests				5/11 5/11 6/1 6/4 6/7 6/22 6/29 7/2 9/15 9/24			

2. Consultations

LSC does not receive FOIA consultations.

- a) Ten Oldest Pending Consultations Received From Other Agencies

Consultations Received From Other Agencies During FY07	Consultations Received from Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

b) Consultations Received by Calendar Year

<i>Calendar Year</i>	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0

G. LSC's FOIA Improvement Plan

The *FOIA Improvement Plan of the Legal Services Corporation* approved by the LSC Board of Directors on October 28, 2006 follows.



LEGAL SERVICES CORPORATION

FOIA Report and Plan

Under

Executive Order 13,392

September 29, 2006

(As adopted by the LSC Board of Directors on October 28, 2006)

The page numbers referenced in the following Table of Contents may be located in the upper right hand corner of subsequent pages.

Table of Contents

I.	Nature of the Legal Services Corporation's (LSC) FOIA Operation.....	3
II.	Areas Selected for Review	4
III.	Narrative Statement Summarizing the Results of the Review	4
	A. Allocation of Resources	4
	B. Requester Relations/Communications.....	5
	C. Backlog Reduction/Elimination.....	5
	D. Automated Tracking of Requests.....	5
	E. Use of Information Technology.....	5
	F. Reading Room Materials.....	6
	G. Information Dissemination via the Internet.....	6
	H. FOIA Handbook and Internal Guidelines	6
	I. FOIA Staff Training.....	7
IV.	Areas Selected for Improvement in LSC's Plan.....	7
V.	Improvement Area Plans.....	7
	A. Allocation of Resources	8
	B. Requester Relations/Communications.....	8
	C. Backlog Reduction/Elimination.....	9
	D. Automated Tracking of Requests.....	9
	E. Use of Information Technology.....	10
	F. Reading Room Materials.....	10
	G. Information Dissemination via the Internet.....	11
	H. FOIA Staff Training.....	12

LEGAL SERVICES CORPORATION

FOIA REPORT AND PLAN UNDER EXECUTIVE ORDER 13,392

I. NATURE OF THE LEGAL SERVICES CORPORATION'S FOIA OPERATION

The Legal Services Corporation (“LSC” or “Corporation”) was established as a private, non-membership, non-profit corporation by the Legal Services Corporation Act, Pub. L. 93-355 (1974), as amended, 42 U.S.C. §2996 *et seq.* Section 2996(g) provides that the Corporation is subject to the requirements of the Freedom of Information Act (“FOIA”), 5 U.S.C. §552. This Report/Plan (“Plan”) is submitted pursuant to Executive Order (“EO”) 13,392.^{1/}

The Legal Services Corporation (LSC or Corporation) is a private, non-profit, corporation established by Congress in 1974 to seek to ensure equal access to justice for all Americans by providing civil legal assistance to those who otherwise would be unable to afford it and is funded through congressional appropriations.

The Corporation is located in Washington, D.C. The office/component of the Corporation primarily responsible for processing FOIA requests is the Office of Legal Affairs (“OLA”), which employs one individual (“FOIA Officer”) who is responsible for processing over 95% of the FOIA requests received by the Corporation. The Corporation’s Office of Inspector General (“OIG”) also has one employee designated to process FOIA requests for records in the exclusive possession of the OIG.

The Corporation’s FOIA Officer also has additional responsibilities within OLA. An attorney on the OLA staff is responsible for processing FOIA appeals.

¹ The Legal Services Corporation is not a department, agency or instrumentality of the Federal government and is, therefore, not subject to the Executive Order. The Corporation is complying with EO 13,392 on a voluntary basis.

The following chart reflects the number of requests received and processed during fiscal years 2003, 2004, 2005 and 2006.

Data Description	FY03	FY04	FY05	FY06
No. of FOIA Requests Received	64	55	55	35
No. of FOIA Requests Processed	37	25	38	21
No. of FOIA Requests Pending at Year End	32	62	79	93

II. AREAS SELECTED FOR REVIEW

The Corporation selected the following areas of its FOIA operation for review.

- a. Allocation of resources;
- b. Requester relations/communications;
- c. Backlog reduction/elimination;
- d. Use of information technology;
- e. Reading Room materials;
- f. Information dissemination via the Internet;
- g. FOIA Handbook and internal guidelines; and
- h. FOIA Staff Training.

III. NARRATIVE STATEMENT SUMMARIZING THE RESULTS OF THE REVIEW

A. Allocation of Resources: The Corporation's competing priorities for human and financial resources have hampered the allocation of additional resources to the FOIA function. A reprioritization has occurred enabling the Corporation to begin the process of hiring an Executive Assistant ("EA") to the General Counsel ("GC"). The retention of an EA will relieve LSC's Chief FOIA Officer of certain unrelated administrative responsibilities and enable him to become more fully and directly engaged in the FOIA operation. The EA will also assume many of the administrative responsibilities discharged by

the FOIA Officer, allowing the FOIA Officer to devote more time to FOIA processing. In addition, OLA expects to hire a Legal Assistant (LA) who is expected to devote at least 50% of his time on FOIA administration.

B. Requester Relations/Communications: FOIA requesters and individuals with questions regarding the FOIA process may contact the FOIA Officer by telephone,²/ regular mail, tele-facsimile, e-mail or via the Internet.

In addition, the Corporation will soon put in service the telephonic FOIA Requesters Service Center (“Center”) called for by the EO. Requesters and members of the public with general questions regarding the FOIA process will be able to access the Center by calling the following toll-free number: 1-877-438-3642 or 1-877-GET-FOIA. The Center will be manned by the LA on a part-time basis. Callers will be required to leave messages when the Center is not manned. Responses to the messages will be provided within two business days.

For tracking purposes and to facilitate communications regarding a FOIA request, each request is assigned a unique identifying number.

C. Backlog Reduction/Elimination: LSC’s FOIA backlog increased by approximately 50% at the end of fiscal year 2004 from the prior fiscal year end, and by approximately 22% at the end of fiscal year 2005. The Corporation expects the allocation of additional resources to its FOIA operation to reverse this trend and to reduce and ultimately eliminate the backlog of requests.

D. Automated Tracking of Requests: The FOIA tracking system currently used by LSC is not sufficiently comprehensive in terms of the data collected, is labor-intensive in terms of maintenance, and is not particularly user friendly.

E. Use of Information Technology: LSC currently tracks incoming FOIA requests and all aspects of request processing in an Access

² The FOIA Officer’s telephone number is posted to LSC’s website.

database. The FOIA Officer has expanded the database so that it captures more of the reporting information required in annual FOIA reports. While the database is more comprehensive and functional than it had been, it is still lacking certain features that would, if available, enhance and expedite FOIA processing. The Corporation recognizes the inefficiencies in this approach and has decided to explore the purchase of software designed specifically for the processing of FOIA requests.

FOIA processing software has been identified and the FOIA Officer has been authorized to work with the Corporation's information technology personnel to determine whether the software is compatible with the Corporation's Information management system and if not, to attempt to identify and obtain other software that is. Training on use of any software selected will likely be required for OLA staff with FOIA administration responsibilities.

F. Reading Room Materials: The Corporation maintains both physical and electronic reading rooms. The physical Reading Room is located in the Corporation's library. The library contains copies of publicly available records. In addition, the library contains a computer through which members of the public may access the Corporation's FOIA Electronic Public Reading Room ("Reading Room") at http://www.lsc.gov/foia2/foia_eprp.php . The last assessment of the contents of the Reading Room located in the library and the documents posted to LSC's website occurred in January 2006. The Corporation will routinize this review, conducting it biannually.

G. Information Dissemination via the Internet: LSC has taken steps to enhance its ability to communicate with and provide information to FOIA requesters and members of the public through the Internet. The Corporation currently has two active e-mail addresses [www.FOIA@lsc.gov and www.INFO@lsc.gov] through which members of the public may make FOIA-related requests and inquiries. Pending activation are two additional e-mail addresses (www.CHECK_FOIA_STATUS@lsc.gov and www.FOIA_RESPONSE@lsc.gov), established specifically to enhance and expedite communications between FOIA requesters and LSC's FOIA personnel. The latter two addresses are features associated with LSC's FOIA Requesters Service Center.

H. FOIA Handbook and Internal Guidelines: LSC’s FOIA Handbook is also being revised to incorporate information regarding the requirements of EO 13,392, as well as to provide additional guidance regarding the FOIA process to requesters and the general public. The internal FOIA processing guidelines available to staff are also being updated.

I. FOIA Staff Training: The training of FOIA staff will be a priority. The FOIA staff will receive training provided by the Department of Justice (“DOJ”), the American Association of Access Professionals (“ASAP”), and USDA Graduate School. The Corporation will ensure that funds are available for this very important training.

IV. AREAS SELECTED FOR IMPROVEMENT IN LSC’s PLAN

The evaluation of the FOIA operation conducted by the Legal Services Corporation resulted in a determination that the following areas warrant improvement.

- a. Allocation of resources;
- b. Requester relations/communications;
- c. Backlog reduction/elimination;
- d. Automated tracking of requests;
- e. Use of information technology;
- f. Reading Room materials;
- g. Information dissemination via the Internet; and
- h. FOIA Staff Training.

V. IMPROVEMENT AREA PLANS

Following is a plan for each area of LSC’s FOIA operation identified as requiring improvement.

A. Allocation of Resources

PLAN: Allocation of Resources	
Goal: To assign to LSC's FOIA operation the personnel necessary to process requests expeditiously.	
Target Completion Date: January 31, 2007	
<i>Planned Actions</i>	<i>Milestone Completion Dates</i>
◆ Hire EA to GC	11/30/06
◆ Hire a LA	10/31/06

B. Requester Relations/Communications

PLAN: Requester Relations/Communications	
Goal: To provide a customer-friendly mechanism through which FOIA requesters may seek and obtain current, accurate information regarding the status of a request or assistance with the reformulation of a request. Also, to provide a means of assisting prospective requesters.	
Target Completion Date: November 10, 2006	
<i>Planned Actions</i>	<i>Milestone Completion Dates</i>
◆ Put in service the telephonic FOIA Requesters Service Center	11/16/06
◆ Update and issue the revised FOIA Handbook and post it to www.lsc.gov	10/31/06
◆ Issue to staff the revised internal FOIA processing guidelines and post to the LSC Intranet	11/16/06

C. Backlog Reduction/Elimination

PLAN: Backlog Reduction/Elimination	
Goal: To reduce and ultimately eliminate the FOIA backlog and, to the extent practicable, conclude each fiscal year with the fewest requests in pending status.	
Target Completion Date: September 30, 2007	
<i>Planned Actions</i>	<i>Milestone Completion Dates</i>
◆ Hire EA to GC	12/01/06
◆ Hire a LA	10/16/06
◆ Purchase, install and implement use of the software	01/01/07
◆ Hold meetings with FOIA staff to review progress in reducing the backlog of requests	10/23/06; 10/31/06; 11/06/06; 11/13/06; 11/20/06; 11/27/06 and monthly thereafter

D. Automated Tracking of Requests

PLAN: Automated Tracking of Requests	
Goal: To make simpler and more efficient the tracking of and reporting on the status of FOIA requests both internally and externally to DOJ.	
Target Completion Date: February 15, 2007	
<i>Planned Actions</i>	<i>Milestone Completion Dates</i>
◆ Purchase and install FOIA processing software	12/15/06
◆ Convert/export data from current FOIA database to software purchased ^{3/}	01/05/07
◆ Begin generating management reports on the status of pending FOIA requests	01/15/07

³ The milestone completion dates for this category may be extended if a determination is made that automated converting/exporting data from LSC's current FOIA database to the new software is not possible and that manual entering of the data to the software is required.

E. Use of Information Technology

PLAN: Use of Information Technology

Goal: To ensure that the Corporation has in place the most efficient FOIA process possible by taking advantage of available information technology that, among other things, expedites the preparation and production of correspondence to requesters that provide initial determinations and transmit responsive documents, and that gives FOIA staff a faster, safer method of redacting exempt information.

Target Completion Date: November 23, 2007

<i>Planned Actions</i>	<i>Milestone Completion Dates</i>
◆ Use new FOIA software to generate FOIA-related correspondence, including internal records search requests if possible	01/15/07
◆ Use new FOIA software to generate internal reports on the status of FOIA requests	01/15/07
◆ Use new FOIA software to generate LSC's annual FOIA report for submission to DOJ	11/15/07

F. Reading Room Materials

PLAN: Reading Room Materials

Goal: To make more information available to the public in the Reading Room located at LSC as well as electronically in the Reading Room located on LSC's website.

Target Completion Date: May 5, 2007

<i>Planned Actions</i>	<i>Milestone Completion Dates</i>
◆ Review Reading Room Index and update as required after surveying LSC's operating components/offices regarding the accuracy of the current listing	02/28/07
◆ Review with LSC management the policy and procedures related to the disclosure of records pursuant to the FOIA and revise as necessary	01/31/07

PLAN: Reading Room Materials	
Goal: To make more information available to the public in the Reading Room located at LSC as well as electronically in the Reading Room located on LSC's website.	
Target Completion Date: May 5, 2007	
<i>Planned Actions</i>	<i>Milestone Completion Dates</i>
◆ Issue to staff revised policy and procedures related to the disclosure of records pursuant to the FOIA, particularly highlighting the legal requirement to disclose documents falling into the category of records described in subsection (a)(2) of the FOIA	04/30/07
◆ Institute procedure requiring the quarterly review and updating of the Reading Room Index	04/30/07 and quarterly thereafter

G. Information Dissemination via the Internet

PLAN: Information Dissemination via the Internet	
Goal: To proactively make more information available to the public in electronic format.	
Target Completion Date: May 5, 2007	
<i>Planned Actions</i>	<i>Milestone Completion Dates</i>
◆ Review Electronic Reading Room Index and update as LSC's operating components/offices regarding the accuracy of the current listing	02/28/07
◆ Work with staff of LSC's Offices of Information Management and Information Technology to ensure that procedures developed are appropriate for the new document management system currently being put in use	04/15/07
◆ Review with corporate management policy and procedures related to the electronic disclosure of records pursuant to the FOIA and revise as necessary	03/15/07

PLAN: Information Dissemination via the Internet	
Goal: To proactively make more information available to the public in electronic format.	
Target Completion Date: May 5, 2007	
<i>Planned Actions</i>	<i>Milestone Completion Dates</i>
◆ Issue to staff revised policy and procedures relating to the electronic disclosure of records pursuant to the FOIA, particularly highlighting the legal requirement to disclose documents falling into the category of records described in subsection (a)(2) of the FOIA	04/30/07

H. FOIA Staff Training

PLAN: FOIA Staff Training	
Goal: To retain highly qualified FOIA staff that possess the skills and knowledge necessary to process FOIA requests accurately and expediently.	
Target Completion Date: Ongoing	
<i>Planned Actions</i>	<i>Milestone Completion Dates</i>
◆ Provide developmental opportunities for FOIA staff on an ongoing basis	
◆ Allocate sufficient funds for the training of FOIA staff	10/06/06
◆ Provide introductory FOIA training for the EA to the GC, who will assume responsibility for the tracking of FOIA requests	Online course available thru USDA Graduate School
◆ Provide FOIA training for FO and LA through DOJ, ASAP and USDA Graduate School	Ongoing

Questions regarding this Plan or any aspect thereof should be directed to Victor M. Fortuno, at (202) 295-1620 or at vfortuno@lsc.gov.