

2011 Chief FOIA Officer Report

Central Intelligence Agency

March 8, 2011

I. Steps Taken to Apply the Presumption of Openness

- 1. Describe below 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 provide the presumption of openness.**

Both the President's FOIA Memorandum and the Attorney General's FOIA Guidelines continue to be widely circulated and discussed with all individuals involved in the FOIA process. CIA officers involved in processing FOIA requests have attended FOIA training offered by the Department of Justice and have shared this information with colleagues informally on the job and during staff meetings. Internal review and release guidelines are modified through policy changes discussed and approved by the Agency Release Panel.

The Central Intelligence Agency (CIA) has worked diligently to release information to the public that no longer requires protection, including discretionary releases not mandated under FOIA.

Under the CIA's Historical Review Program, several discretionary collections on historically significant topics were released to the public in FY10. These collections included the "Strategic Warning and the Role of Intelligence: Lessons Learned from the 1968 Soviet Invasion of Czechoslovakia" released in April, 2010 and "Baptism by Fire: CIA Analysis of the Korean War" in July, 2010. The CIA Historical Review Program selects projects based on number of criteria including historical significance and public interest.

- 2. Report whether your Agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in previous year's Annual FOIA Report.**

In FY10, the CIA responded to 443 requests in full and 864 requests in part as compared to FY09 when 363 requests were released in full and 918 requests were released in part. The data show that more requestors received documents that were released in full or in part in FY10 in comparison to 2009.

II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Describe here the steps your agency has taken to ensure that the 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 professional in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

- a. Do FOIA professionals within your agency have sufficient IT support?** The FOIA program office involves IT support in every aspect of the FOIA/PA process and has partnered with it to further advance the common goal to use technology to improve responsiveness. IT support personnel are located within close proximity of the FOIA program office, fostering greater interaction and support, and are proactive in their troubleshooting efforts and looking ahead for system enhancements.
- b. Describe how your agency's FOIA professionals interact with your Open Government team.** Our FOIA professionals interact almost daily with our Open Government Team since there is a significant overlap in staffing for the two functions.
- c. Describe the steps your agency has taken to assess whether adequate staffing is being diverted to responding to FOIA requests.** Currently, the organizational element that contains the FOIA program is undergoing a zero-based review of positions and workflow in order to realign personnel to improve efficiency and productivity.
- d. Describe the other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.** Currently, the organizational element that contains the FOIA program is collaborating with other partners and stakeholders to discuss possible efficiency gains.

III. Steps Taken to Increase Proactive Disclosures

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 the issuance of the new FOIA guidelines.

- a. Has your agency added new material to your agency website since last year?** The CIA adds material to its e-FOIA reading room throughout the year.
- b. What type of records have been posted?** In addition to posting some documents from closed FOIA cases, the electronic FOIA Reading Room website also hosts documents released through the discretionary Historical Review Program (see Section I above

for details). Web site statistics show that many visitors to the CIA FOIA Reading Room website are most interested in these historically significant document releases.

- c. **Give examples of the types of records that your agency now posts that used to be available only by making a FOIA request for them.** Many of the documents in the E-FOIA reading room are good examples of collections that would have previously been available only through FOIA requests. We also post our annual FOIA and Open Government reports on the website. We strive to make as much information available as possible through our website.
- d. **What system do you have in place to routinely identify records that are appropriate for posting?** We have statistical reports that summarize which released documents are candidates for the eFOIA reading room.
- e. **How do you utilize social media in disseminating information?** We use the very popular CIA website for dissemination of released FOIA documents to the public. At this time, we do not utilize other social media venues.
- f. **Describe any other steps taken to increase proactive disclosures at your agency.** Recently, we were able to add videos to the CIA public website.

IV. Steps Taken to Greater Utilize Technology

1. **Electronic receipt of FOIA requests**
 - a. **What proportion of components within your agency that receive FOIA requests have the capability to receive such requests electronically?** None.
 - b. **To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?** We currently do not receive requests electronically.
 - c. **What methods does your agency use to receive requests electronically?** Not applicable.
2. **Electronic tracking of FOIA requests:**
 - a. **What proportion of components within your agency that receive FOIA requests have the capability to track such requests electronically?** 100 percent.
 - b. **To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?** All requests were tracked electronically last year as well.
 - c. **What methods does your agency use to track requests electronically?** In FY08, we replaced an outdated case management system with a new-- more efficient--system compatible with modern technology platforms. We continue to

assess and modify the current system in order to make it as efficient and effective as possible. We also automated the capturing, forwarding, and tracking of requestor phone calls to our public FOIA phone number in order to respond to these requests effectively and efficiently.

3. Electronic tracking of FOIA requests:

- a. What proportion of components within your agency that receive FOIA requests have the capability to process such requests electronically?** 100 percent.
- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?** All requests were processed electronically last year as well.
- c. What methods does your agency use to process requests electronically?** In FY08, we replaced an outdated case management system with a new-- more efficient--system compatible with modern technology platforms. We continue to assess and modify the current system in order to make it as efficient and effective as possible. We also automated the capturing, forwarding, and tracking of requestor phone calls to our public FOIA phone number in order to respond to these requests effectively and efficiently.

4. Electronic Preparation of your Annual FOIA report:

- a. What type of technology does your agency use to prepare your Agency Annual FOIA report?** We use data produced by our automated case management system. This data is then entered into the templates provided by the Department of Justice. The system is not FOIA specific.
- 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.** Not applicable.

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

- 1. If you have a backlog, report whether your 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 your agency did close.**

As reported in the FOIA Annual Reports, CIA's backlog increased -- from 592 cases in FY09 to 715 in FY10 for initial requests and from 183 in FY09 to 220 for FY10 for appeals. We attribute the increase in the backlog as the effect of escalating and competing requirements on finite and limited resources. That said, however, we closed the four oldest pending FOIA cases and the three oldest appeals cases. In addition to the oldest FOIA cases, we reduced the backlog of 2007 and earlier cases from 230 to 183—almost a 23 percent reduction!

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 additional explanation.**
 - a. **Is the backlog increase a result of an increase in the number of incoming requests and appeals?** Yes.
 - b. **Is the backlog increase caused by a loss of staff?** No.
 - c. **Is the backlog increase caused by an increase in the complexity of the requests received?** Yes.
 - d. **What other causes, if any, contributed to the increase in backlog?** An increase in FOIA and non-FOIA litigations decreased staff resources for reviewing the documents.

3. **Describe the steps that your agency is taking to reduce any backlogs and to improve the timeliness in responding to requests and to 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.
 - b. **Has your agency increased its FOIA Staffing?** No.
 - c. **Has your agency made IT improvements to increase timeliness?** Yes.
 - d. **Has your Chief FOIA officer been involved in overseeing your agency's capacity to process requests?** Yes.

Spotlight on Success

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

Focus on Customer Service: Certain types of requests lead to inevitable delays given their complexity. During FY10, FOIA case managers were encouraged to call requesters directly to rescope requests so that processing times would be faster and the requester would be more satisfied

with the results. Case managers also called and spoke to requesters who made multiple requests for the same records which fall outside Agency purview. In one case, a member of the FOIA staff contacted the requester to ascertain what other agencies he submitted requests to and then made some additional suggestions regarding agencies that might have the records he sought. He was very grateful for our assistance.