

AFRICAN DEVELOPMENT FOUNDATION
Chief FOIA Officer Report, March 2012

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?

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

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?

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

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

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

Response:

The African Development Foundation's ("ADF," "USADF") guiding principle under FOIA is a presumption of openness in making information about ADF available to the public. As stated in ADF's implementing regulations on FOIA,

It is the policy of the African Development Foundation that information about its operations, procedures, and records be freely available to the public in accordance with the provisions of the Freedom of Information Act.

The Foundation will make the fullest possible disclosure of its information and identifiable records consistent with the provisions of the Act and the regulations in this part.

22 C.F.R. § 1502.1(a) & (b). ADF's FOIA regulations describe ADF's policy and procedures for the public to submit FOIA requests and for ADF to receive and respond to FOIA requests. 22 C.F.R. §§ 1502.1-1502.10.

In response to Question I.6, above, ADF's website, www.usadf.gov, emphasizes ADF's commitment to maintaining the highest level of openness and transparency in government and provides updated information on FOIA. ADF's website page entitled "USADF's Open Government Program" contains links to the Agency's Annual FOIA Report and its Chief FOIA Officer Report. In addition it provides a general description of FOIA and information on how to make a FOIA request. In 2011, ADF established a direct link to its Annual FOIA Report and added a link on its website to its FOIA regulations. ADF received no FOIA requests from Fiscal Years 2005 through 2009. In Fiscal Year 2010, it received four FOIA requests and responded to each request in less than 20 days. In Fiscal Year 2011, it received nine FOIA requests and likewise responded to each request in less than 20 days.

ADF's website contains a myriad of information readily available to and accessible by the public, including information on ADF's policies, programs, Board of Directors and staff, projects funded, news releases, photographs, grant applications, and links to relevant statutes and reports, such as ADF's "Financial Accountability and Transparency Act Report" and operational information on budgets and audits. The website contains a link for direct email contact with ADF. The website is updated on a regular basis.

There have been several major changes that have taken place on the USADF website in 2011. These changes and innovations have contributed to more transparency and better access to information concerning USADF, grant recipients, agency results and mission. Major changes include updated briefing sheets which provide more information on grants, including photographs and locations on Google Maps. The front page of the USADF website includes a rolling photo news feed of USADF grants, as well as a results chart on the top of the page which is updated each fiscal year. All press releases and media coverage of USADF are easily accessible on the website: <http://www.usadf.gov/press.html>. The website has added more videos to help people understand the USADF mission: <http://www.youtube.com/user/USADF1>. USADF's website offers the feature of allowing viewers to subscribe to USADF agency press releases and updates directly: <http://usadf.us2.listmanage.com/subscribe?u=385a45de153d73db770f64cc1&id=6d3e5688aa>. In terms of social media, USADF's website has a section devoted to USADF Twitter and Facebook accounts, which provide daily agency updates. Also, the Open Government page of the website makes it easier for people to see updates on USADF, as well as audit information and access to FOIA reports: <http://www.usadf.gov/OpenGovernment.html>.

With respect to the other specific questions above: (I.1 & I.2) While ADF did not itself conduct FOIA training or hold a FOIA conference, ADF's Chief FOIA Officer attended a Department of Justice training program on October 13, 2011, which covered both the Chief FOIA Officer Report for 2012 and the Fiscal Year 2011 Annual FOIA Report; (I.3-I.5) As noted above,

extensive information on ADF's projects, programs, policies, and operations is readily available and easily accessible on its website. ADF did not make any discretionary releases of otherwise exempt information during the past year. The Chief FOIA Officer would review records, in collaboration with the departments involved, to determine whether discretionary releases are possible.

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?

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

Response:

In response to Questions I.7 and I.8, above, a comparison of ADF's Annual FOIA Reports for Fiscal Year 2011 and Fiscal Year 2010 shows that the number of responses where records were released in full and the number of responses where records were released in part both increased from Fiscal Year 2010 to Fiscal Year 2011.

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?*
- 2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?*
- 3. Do your FOIA professionals work with your agency's Open Government Team?*

4. *Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.*
5. *Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.*

Response:

At ADF FOIA requests are directed to attorneys in the Office of General Counsel (OGC). ADF is a relatively small government agency, with approximately 40 staff members in Washington, D.C., and local personnel working for ADF in the approximately 20 countries in Africa where ADF currently has programs. OGC identifies ADF staff most likely to have documents responsive to a FOIA request and directs the request to them, with instructions on how and when to provide to OGC the information and documents that may be responsive to the request. OGC then reviews the documents for privileged and confidential information, determines whether any of the FOIA exemptions apply, and prepares and sends out the response to the FOIA request in a timely manner. ADF has IT professionals on staff who provide support to all ADF personnel on accessing and searching various databases, as well as utilizing IT technology to prepare responses to FOIA requests.

In response to the specific questions above: (II.1) FOIA professionals within ADF have sufficient IT support; (II.2) Because ADF is a relatively small agency, the only FOIA professionals in ADF are two persons in the Office of General Counsel: the General Counsel and the Associate General Counsel, who serves as the Agency's Chief FOIA Officer; (II.3) The OGC periodically participates with program and administrative staff in meetings and discussions on enhancing ADF's Open Government initiatives through the use of its website and other means; (II.4) The OGC assesses periodically whether adequate staffing is being devoted to responding to FOIA requests; (II.5) Because FOIA is publicized on ADF's website and requests for information are sometimes directed to ADF's Press Secretary and Congressional Liaison, ADF has a system whereby all such requests are forwarded immediately to the OGC so they can be acted upon immediately.

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?*

2. *Provide examples of the records, datasets, videos, etc., that have been posted this past year.*
3. *Describe the system your agency uses to routinely identify records that are appropriate for posting.*
4. *Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc.?*
5. *Describe any other steps taken to increase proactive disclosures at your agency.*

Response:

As described above, ADF maintains and updates on a regular basis a comprehensive website on the Foundation, its policies and programs, www.usadf.gov. ADF management has identified transparency and openness as one of the Foundation's core operating principles. As stated on the website: "Maintaining the highest level of openness and transparency is a strategic priority for USADF." Toward that end, ADF's efforts to substantially enhance its website and make more information readily available to the public continued throughout 2011 up to the present.

The website has a "Quick Source" link, which provides a simple way to understand ADF's operations and programs. The link affords access to four main categories of information: Financial and Compliance, Personnel, Contracts, and Programs. A section on Training is being added. The Financial and Compliance section includes ADF's Congressional Budget Requests for the past several years, audits of ADF's programs by the U.S. Agency for International Development's Inspector General, and reports on ADF's compliance with the Federal Information Security Management Act. The Program section contains detailed information on the area representing the majority of ADF expenditures. It describes the grants awarded by ADF by country, objectives, budgets, and locations, and includes photographs of the projects. Previously, detailed information on ADF's grants had to be specifically requested, but is now available on the website. The Personnel section includes a list of ADF management and staff and Annual Employee Survey Reports. As noted above, the website allows the public to contact and request additional information from ADF by email.

ADF's "Quick Source" information directory also has links that allow the public to search the website, see ADF in action through "YouTube," view a map of project locations, and follow ADF on "Twitter."

As described above, ADF has updated and enhanced its website page describing its Open Government Program, including new information on FOIA. The page includes an up-to-date listing of ADF's active grants and a "Financial Accountability and Transparency Act Report." It invites the public to provide feedback on the quality and importance of the information available

on the website and asks what other type of information would be important for members of the general public to have.

In response to Questions III.1 and III.2, above, ADF has added updated information on FOIA to its website, including its Annual FOIA Report, its Chief FOIA Officer Report, and a description of FOIA and how to request information. It also established a direct link to its Annual FOIA Report and added a link to its FOIA regulations to its website. In 2011, ADF made major changes to its website, which include updated briefing sheets that provide more information on grants, including photographs and locations on Google Maps. The front page of the USADF website includes a rolling photo news feed of USADF grants, as well as a results chart on the top of the page which is updated each fiscal year. All press releases and media coverage of USADF are easily accessible on the website: <http://www.usadf.gov/press.html>. The website has added more videos to help people understand the USADF mission: <http://www.youtube.com/user/USADF1>. USADF's website offers the feature of allowing viewers to subscribe to USADF agency press releases and updates directly: <http://usadf.us2.listmanage.com/subscribe?u=385a45de153d73db770f64cc1&id=6d3e5688aa>.

In response to Question III.3, above, top management periodically meet to review and identify what additional information and records are appropriate for posting on the website. In response to Question III.4, above, in terms of social media, USADF's website has a section devoted to USADF Twitter and Facebook accounts, which provide daily agency updates. Also, the Open Government page of the website makes it easier for people to see updates on USADF, as well as audit information and access to FOIA reports: <http://www.usadf.gov/OpenGovernment.html>. In response to Question III.5, above, and as also stated on ADF's website, "To increase accountability and promote informed participation by the public, USADF has expanded access to more information, now available online for downloads in open formats."

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

Response:

In response to Questions IV.1 and IV.2, above, ADF added updated information on FOIA to its website in 2011, such as its FOIA Annual Report, its Chief FOIA Officer Report, and instructions for submitting a FOIA request to ADF. ADF's website provides for ADF to receive via email requests from the public for more information on ADF. ADF responded by email to eight of the nine FOIA requests it received and processed in Fiscal Year 2011. As a small, independent Agency, ADF has only one FOIA Service Center and, as such, only one component for FOIA purposes – *i.e.*, the Agency overall. Any FOIA requests received via the website by ADF's Press Secretary and Congressional Liaison are forwarded immediately to OGC for processing.

Online tracking of FOIA requests:

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

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

Response:

In response to Questions IV.3 and IV.4, above, ADF's OGC, which receives all FOIA requests, tracks the requests electronically, using commercial data processing software. Currently, a FOIA requester cannot track the status of his or her request electronically, and ADF has no immediate plans to establish this capability, given the small number of requests it receives annually (no requests from Fiscal Years 2005 through 2009, four requests in Fiscal Year 2010, and nine requests in Fiscal Year 2011) and its record of responding to all requests in both Fiscal Years 2010 and 2011 within 20 days.

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?*

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

Response:

In response to Questions IV.5 and IV.6, above, ADF's OGC, which receives all FOIA requests, processes the requests electronically by searching relevant online data bases for the information, sending emails to relevant departments requesting responsive information, and in FY 2011, responding by email to eight of the nine requests received. ADF uses a generic data processing system to prepare its Annual FOIA Report. ADF is satisfied with the existing system it uses to prepare its Annual FOIA Report.

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?*
 - 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?*
 - 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?*

Response:

In response to Questions V.1.a-c, above, ADF, as noted, had only nine FOIA requests in Fiscal Year 2011, eight of which were simple and one of which was expedited. ADF does not utilize a separate track for simple requests. The average number of days for ADF to process all non-expedited requests in Fiscal Year 2011 was twenty working days or less.

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?*

- b. *If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?*
- c. *In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?*
- 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?*

Response:

In response to Questions V.2.a-d, above, and as reported in Section XII of ADF's Annual FOIA Reports for Fiscal Year 2010 and Fiscal Year 2011, ADF had no pending FOIA requests and no pending FOIA administrative appeals at the end of Fiscal Year 2010. In addition, ADF processed all FOIA requests received in Fiscal Year 2011 in Fiscal Year 2011 and there was no backlog of FOIA requests at the end of Fiscal Year 2011. Likewise, ADF did not receive any FOIA administrative appeals in Fiscal Year 2011, and there was no backlog of administrative appeals at the end of Fiscal Year 2011.

- 3. *If you answered "no" to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:*

Request Backlog:

- a. *Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?*
- 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?*

Response:

In response to Questions V.3.a-h, please see ADF's response to Questions V.2, above. ADF had no backlogs of either pending FOIA requests or administrative appeals at the end of either Fiscal Year 2010 or Fiscal Year 2011.

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?*
- 2. Has your agency increased its FOIA staffing?*
- 3. Has your agency made IT improvements to increase 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?*

Response:

In response to Questions 1-4, above, ADF's OGC routinely monitors the progress of its FOIA caseload. Given the small volume of requests and ADF's current timeliness in responding, ADF to date has not seen the need to increase its FOIA staffing as requests are being handled efficiently and effectively. ADF's IT staff are routinely making IT improvements, which benefit FOIA and other staff at ADF in performing their tasks in a timely manner, and ADF is satisfied with the current IT system it uses to receive, process and respond to FOIA requests. The Agency received no consultations from other Agencies during 2011 up to the present.

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?*
- 2. If so, what is the total number of times exclusions were invoked?*

Response:

In response to Questions 1-2, above, ADF did not invoke FOIA's statutory law enforcement exclusions in Fiscal Year 2011.

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.

Response:

Since March 2011, ADF increased its transparency by adding to its website the proactive disclosure of a rolling photo newsfeed of ADF's grants, along with a results chart, as well as additional videos showing ADF's projects in Africa. ADF also added a feature that invites viewers to subscribe to ADF press releases and updates. These improvements have enhanced the public's access to information on ADF and are expected to improve our administration of FOIA by obviating the need for requesters to use FOIA to seek records and information that are readily available.