

Office of the Assistant Secretary for Civil Rights

Freedom of Information Act Program Review

Pursuant to Executive Order (EO) 13392 (section 3(a)), the Office of the Assistant Secretary for Civil Rights (ASCR) conducted a review of its Freedom of Information Act (FOIA) operations to determine whether office practices are consistent with the policies of the EO.

1. Describe your agency FOIA program and how you assist and inform the public regarding the FOIA process. Does your agency have a centralized or decentralized FOIA program? Does your agency have field locations? Describe the FOIA program at your field locations.

The Office of the Assistant Secretary for Civil Rights (ASCR) is a centralized headquarters office with no field locations. The components within ASCR include the Office of Civil Rights, Office of Outreach and Diversity, and Conflict Prevention and Resolution Center.

The Office of Civil Rights receives the highest volume of FOIA requests among all ASCR components; therefore, this office has a full-time FOIA Specialist (Specialist) on staff. The Specialist coordinates and prepares responses to all FOIA requests and appeals received in ASCR. Each component of ASCR has designated a FOIA Point of Contact to assist the Specialist when a request pertains to records of that component. The point of contact is responsible for conducting searches for responsive documents and for providing those documents to the Specialist in a timely manner so that FOIA requests may be responded to within the statutory timeframes.

All requests for records are forwarded to the FOIA Specialist for processing. The Specialist logs the requests into an electronic tracking system and reviews the request to determine which component maintains the records. Once the search for responsive documents is complete, the Specialist corresponds with the requester informing them of approximately how many pages were located and when they can expect to receive a final determination and the responsive documents. The Specialist is responsible for reviewing the responsive records, determining fees, applying exemptions, and redacting documents as appropriate. The Specialist prepares all correspondence, such as acknowledgement, fee estimate, and interim letters to the requesters keeping them informed of the status of their requests.

The Specialist makes contact with FOIA requesters to obtain clarification of their requests and responds to calls from requesters and the general public. The Specialist also prepares responses to congressional inquiries regarding FOIA.

2. The use of information technology in responding to FOIA requests, including without limitation the tracking of FOIA requests and communication with requesters.

ASCR accepts FOIA requests via mail, email and facsimile. We have an email box designated specifically for FOIA (crfoia@usda.gov). FOIA requesters use this email address to submit FOIA requests, obtain information, or check the status of their request/appeal. The email address is posted on our FOIA website and the box is checked a minimum of three times a day.

ASCR uses an electronic system for tracking FOIA requests/appeals maintained by the Specialist. The system supports the provision of accurate and timely customer service to requesters when they inquire about the status of their request/appeal. We are able to search by the requester's name or the subject of the request, and provide a timely response to their inquiries.

The query functions of the system assist the Specialist in locating frequently requested records for posting to the web. The majority of the requests received by ASCR are Privacy Act (PA) records requests; therefore, we do not post many frequently requested records. Occasionally, we receive requests for data or reports.

The system generates useful reports and captures all the data required by the U.S. Department of Justice for the Annual FOIA Report. We can compile our submission by running a simple report. Other useful queries and reports generated by the system include:

- **Pending Reports.** A report showing which requests/appeals are pending is generated on a weekly basis and provided to the FOIA Officer/Public Liaison.
- **Overdue Reports.** When a component is delinquent in providing records in response to a request, a report is generated and elevated to the Public Liaison when necessary.
- **Query by Subject.** We can run a query by subject to identify similar requests. By using data from previous requests, we are able to identify frequently requested records.

If noted in the request, ASCR will make the requested records available in the format requested, otherwise hardcopy documents are provided by default. Redacted documents are scanned and provided in PDF format either on compact disc or via email.

Our FOIA website (http://www.usda.gov/cr/foia_cr.html) provides the public with information on the FOIA, PA and Electronic FOIA (EFOIA). The FOIA website can be accessed by direct link from the ASCR homepage.

3. Practices with respect to request for expedited processing.

As of December 31, 2005, ASCR has received no requests for expedited processing. If a request for expedited processing is received in ASCR, it will be processed in accordance with the FOIA guidelines.

4. Implementation of multi-track processing if used by your agency.

Multi-track processing is not used by ASCR. All requests and appeals are processed on a first-in, first-out basis. Many requests/appeals received by ASCR have either a high volume of responsive records or a high volume of documents to search/review. Therefore, it is not unusual for the Specialist to process a request/appeal with a small volume of records out of turn.

5. Policy and practices relating to the availability of public information through websites and other means, including the use of websites to make available the records described in section 552(a)(2), which includes final opinions, policy statements, staff manuals, and records provided to three or more requesters.

ASCR has a webpage dedicated to FOIA (http://www.usda.gov/cr/foia_cr.html) providing information to the public regarding the FOIA, EFOIA and the PA. The site contains a general description of the statutes, their exemptions and information on fees and fee waivers. Requesters can locate information on where to send their requests/appeals, as well as sample letters that can be used as a guide when submitting a request/appeal.

The ASCR website contains a page dedicated to directives and regulations specific to our program area and also links to the USDA directives page.

The majority of the requests received by ASCR are PA records requests; therefore, we do not post many frequently requested records. ASCR posts certain data and reports because of other legal requirements that the information be made available to the public. Since this information is made available to the public on our website, we do not receive many requests for it.

6. Number of backlog requests—including requests/appeals that were past the twenty day response deadline as of 12/31/05. Identify ways to eliminate or reduce the agency FOIA backlog, consistent with available resources and taking into consideration the volume and complexity of the FOIA requests pending.

Over the past nine months, ASCR has implemented new procedures in order to improve customer service and reduce the backlog, including:

- Reviewing each FOIA request within five days and notifying the requester of the volume of records, and providing them with a reasonable date as to when they can expect to receive the final determination and the responsive documents;
- Implementing an electronic tracking system that generates reports enabling us to better track pending requests and backlogged requests; and
- Establishing a numerical filing system for FOIA cases.

ASCR currently has six overdue requests. The two major causes of our backlog are the volume of documents requested and the time consuming review and redaction process. When the responsive documents are retrieved, the Specialist will:

- Make two copies of the responsive records.
- On the first copy, review and mark the material to be withheld with a yellow highlighter.
- On the second copy, review side by side, and duplicate the redactions with a black marker.
- Make a copy of the redacted pages to ensure markings are unreadable.
- Shred the copy with the black markings.
- If the requester appeals, the Specialist must make a third copy of the documents and create a duplicate highlighted copy to be sent to the Office of the General Counsel for review.

ASCR believes the following may assist in reducing its FOIA backlog:

- **Better File Organization/Maintenance.** ASCR is currently establishing standard operating procedures for program discrimination complaint files. Implementation of these procedures will reduce the time it takes to locate responsive documents.
- **Utilization of Available Technology.** The Office of Civil Rights is working closely with the Office of Operations to obtain improved copiers. Access to a color copier would relieve some time constraints of the redaction processes. Redacting on a copy that shows the highlighted portions will eliminate the side-by-side review, and speed the black marker redaction. We are also arranging for access to a scanner and printer with color capability to increase efficiency.