

CHIEF FREEDOM OF INFORMATION ACT OFFICER REPORT FOR CY 2012

Committee for Purchase From People Who Are Blind or Severely Disabled
is an independent Federal agency established by the Javits-Wagner-O'Day Act
(41 U.S.C.8501 et. seq.)



This report addresses activities for the period from March 2011 to March 2012.

Chief FOIA Officer: E. Tina Ballard, Executive Director
Report date: 02-28-2012



U.S. AbilityOne Commission is its operational name (76 FR 60808-60809, 9-30-11), eff. October 1, 2011.

Background

The Committee for Purchase from People Who Are Blind or Severely Disabled (Committee) is a micro-agency with less than 30 full time employees (FTE). The agency's Freedom of Information Act (FOIA) processes are handled by a FOIA Administrator, who performs these duties along with other responsibilities. The FOIA Administrator coordinates with subject-matter staff at the search stage of the process. This arrangement eliminates the need for the component designation and subsequent FOIA reports. The General Counsel provides supervision and oversight of the FOIA program and reviews each FOIA request with the FOIA Administrator. The Executive Director, as the Chief FOIA Officer, provides overall guidance and direction for the Committee's FOIA program.

Content of 2012 Chief FOIA Officer's Report

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 any agency FOIA conference, or otherwise conduct training during this reporting period?

Answer: The Committee did not hold an agency FOIA conference or otherwise conduct a training during the period March 2011 to March 2012.

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

Answer: The Committee is a very small agency with less than 30 FTEs and there was no turnover of staff involved with processing FOIAs. Therefore, the current small staff eligible for FOIA training did not attend any sessions offered by DOJ for continuing education credits this period.

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?

Answer: The Committee did not utilize its discretionary authority to release information otherwise protected by any exemption under FOIA.

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

Answer: Not applicable.

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

Answer: The General Counsel reviews and makes recommendations to the Executive Director if discretionary release may be appropriate after FOIA staff analysis.

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

Answer: The FOIA staff is directed to highlight to the General Counsel documents potentially exempt --with full rationale-- for the Counsel's detailed review.

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?

Answer: Yes. The number responses where information was released in full more than doubled from FY 2010 figures from 3 to 7.

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

Answer: No. The number of responses where records were released in part remained the same from the previous year's report.

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?

Answer: Yes. Support from the Committee's network support staff was more than adequate for the FOIA staff's requirements.

2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?

Answer: Yes.

3. Do your FOIA professionals work with your agency's Open Government Team?

Answer: Due to the small size of the agency, we do not have a dedicated Open Government Team; however, all personnel are aware of the need to coordinate of FOIA requests.

4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.

Answer: Coordination among the senior staff assures adequate staffing, as necessary, is made available for FOIA Administration.

5. Describe any other the steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

Answer: Due to small size of agency, coordination among all staff is accomplished easily on appropriate FOIA requests.

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?

Answer: Yes

2. Provide examples of the records, datasets, videos, etc, that have been posted this past year.

Answer: Frequently requested material, such as the agency's Performance Results, Annual Reports, and various announcements on major initiatives.

3. Describe the system your agency uses to routinely identify records that are appropriate for posting.

Answer: The Committee has established a Website Team with oversight for content that is lead by the Director of Policy and Programs.

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.?

Answer: In Sept 2011, the Committee launched a new website design that now displays on each page a link for feedback and suggestions.

5. Describe any other steps taken to increase proactive disclosures at your agency.

Answer: Information posted that relates to the agency's operations has increased -- with prominent labels for easy identification and access.

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?

Answer: Yes. The Committee accepts electronic FOIA request submissions via electronic mail message with and without file attachments.

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

Answer: Not applicable.

Online tracking of FOIA requests:

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

Answer: A FOIA requester may use email to electronically request the status of a request.

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

Answer: Not applicable.

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?

Answer: No. Technology currently in place provides adequate support for efficient FOIA processes.

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

Answer: Not applicable.

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?

Answer: Yes. The agency's has two goals in tracking requests: (1) to process all requests within required time frames, and (2) to avoid delinquent 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?

Answer: Yes. Simple requests were processed on average in 8 days overall.

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?

Answer: Not applicable.

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?

Answer: No backlog in FOIA requests was reported at the close of FY 2011.

b. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

Answer: No backlog in FOIA requests was reported at the close of FY 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?

Answer: Not applicable.

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?

Answer: Not applicable.

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?

Answer: Not applicable.

b. Was the lack of a reduction in the request backlog caused by a loss of staff?

Answer: Not applicable.

c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

Answer: Not applicable.

d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

Answer: Not applicable.

Administrative Appeal Backlog:

a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

Answer: Not applicable.

b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

Answer: Not applicable.

c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

Answer: Not applicable

d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

Answer: Not applicable.

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?
Answer: Yes. FOIA requests are continually monitored in order to ensure timely responses.
2. Has your agency increased its FOIA staffing?
Answer: No.
3. Has your agency made IT improvements to increase timeliness?
Answer: No.
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?
Answer: Not applicable.

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?
Answer: No.
2. If so, what is the total number of times exclusions were invoked?
Answer: Not applicable.

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.

Success Story:

As a very small agency, we continue to process all FOIA requests in a timely manner and in a manner that is responsive to the requestor. We are developing a new website and are continuing to include access to agency information and records. Our goal is to increase access to basic information as the new website develops.