



CHIEF FOIA OFFICER REPORT

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A. Overview

The Legal Services Corporation (hereinafter “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.

The Corporation’s FOIA function is discharged by its Office of Legal Affairs (hereinafter “OLA”), and, more specifically, is performed primarily by a single employee, the FOIA Officer.¹ The FOIA Officer also has assigned responsibilities unrelated to FOIA administration.

I. Steps Taken to Apply the Presumption of Openness

There has been no increase in the number of records released in full or in part as a result of discretionary or affirmative disclosures when compared with numbers in previous years Annual FOIA Reports, but a recent change in senior management is expected to lead to concrete steps being taken to implement the presumption. For example, we are in the process of posting on our website documents that had not be made so available and were being produced only upon specific request.

Charts comparing the number of full grants and partial grants for fiscal years 2008 and 2009 follow.

TWO-YEAR COMPARISON OF NUMBER OF FULL GRANTS

FY 2008	FY2009
8	58

¹ Although the General Counsel serves formally as the Chief FOIA Officer, the day-to-day FOIA functions are performed by another LSC OLA Staff member holding the position of FOIA Officer.

TWO-YEAR COMPARISON OF NUMBER OF PARTIAL GRANTS

FY 2008	FY 2009
2	15

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

1. The FOIA Officer was temporarily relieved of her other duties in order to allow her to eliminate the existing FOIA backlog and more timely respond to FOIA requests.
2. The Corporation's FOIA function is under-resourced and only now, with a change in administration and priorities, does LSC anticipate devoting additional resources to improving LSC's system for responding to requests.

III. Steps Taken To Increase Proactive Disclosures

The FOIA Officer was unable to take affirmative steps to increase the proactive disclosure of records due to the lack of support but, with the change in senior management, LSC is taking steps to improve proactive disclosures. For example, the Corporation is in the process of adding Final Reports produced by LSC's Office of Compliance and Enforcement and Office of Program Performance to the LSC Electronic FOIA Reading Room section of its website.

IV. Steps Taken To Greater Utilize Technology

The Corporation's FOIA function is under-resourced and would benefit from, among other things, 1) the purchase of FOIA software specifically designed to enhance the efficiency of FOIA administration, and 2) an increase in IT staff resources to create such software or to improve the software used currently for FOIA administration.

1. Yes, the Corporation receives FOIA requests via electronic mail, facsimile machine and regular mail.

2. N/A
3. Yes, the Corporation tracks FOIA requests electronically.
4. N/A
5. Yes, to the extent possible, LSC uses technology to process FOIA requests. However, as noted above, LSC does not possess integrated technology and the process used is not optimal.
6. No, the lack of integrated FOIA software keeps us from operating at optimal efficiency.
7. Yes, the Corporation partially uses technology to prepare its Annual FOIA Reports. As noted above, LSC does not possess integrated FOIA technology and the FOIA Officer has not had access to sufficient internal IT resources to fully support the FOIA reporting function. The FOIA Officer taught herself some Access database programming and expanded the FOIA database to capture more reportable information, but much of the preparation of the annual reports is still done manually.²
8. No. As stated previously, LSC does not possess integrated FOIA technology and information technology resources have not been available that would aid in the preparation of Annual FOIA Reports. Funding for such technology has not been allocated to OLA's fiscal year 2010 budget but, at the very least, increased internal IT resources are being made available going forward.

Charts reflecting the ten oldest requests pending at the conclusion of fiscal years 2008 and 2009 follow, as does a chart comparing the number of requests backlogged at the conclusion of the same fiscal years.

² The FOIA Officer's efforts to learn database programming has yielded some improvements in using technology to improve LSC's FOIA reporting but has not otherwise significantly improved administration of the FOIA process.

FY 2008

A. Pending Requests -- Ten Oldest Pending Perfected Requests

Agency Overall	10 th Oldest Request and Number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Request and Number of Days Pending
	Date									
	10/21/04	10/4/04	9/29/04	9/15/04	7/2/04	6/29/04	6/22/04	6/7/04	6/4/04	5/11/04
	Number of Days									
	1440	1457	1462	1476	1551	1189	1561	1576	1579	1603

FY 2009

B. Pending Requests -- Ten Oldest Pending Perfected Requests

Agency Overall	10 th Oldest Request and Number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Request and Number of Days Pending
	Date									
	N/A	N/A	N/A	8/18/09	8/3/09	7/31/09	7/7/09	6/3/09	3/30/09	12/4/08
	Number of Days									
	N/A	N/A	N/A	42	57	60	84	118	183	455

TWO-YEAR COMPARISON OF NUMBER OF BACKLOGGED REQUESTS

Number of Requests Pending as of End of Fiscal Year 2008	Number of Requests Pending as of End of Fiscal Year 2009
117	7

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

1. The FOIA Officer was temporarily relieved of her other duties in January 2009 and allowed to devote her full time and attention to reducing the backlog of FOIA requests existing at that time. The backlog was eliminated but, by the end of FY 2009, there was a new backlog (i.e., requests received prior to September 30 of the

year being reported upon for which final responses were not issued by the end of the subject reporting period).

2. The Corporation does not have a backlog of administrative appeals.
3. N/A
4. Sufficient resources have not yet been allocated to most efficiently administer the FOIA function. The Corporation is looking at a variety of ways in which LSC can reduce the existing backlog and improve its timeliness in responding to requests, including: increasing human resources allocated to the function; bringing to bear technological resources to make FOIA administration more efficient; and increasing the availability of LSC records on the LSC website.