

## American Battle Monuments Commission

### Chief FOIA Officer Report

March 9, 2011

#### 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.

1. Describe the steps your agency has taken to ensure that that 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.

- a. Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.

**The President' memo and Attorney General's guidelines were briefed to agency management, and the presumption of openness policy is reinforced with record custodians whenever the release of documents is questioned.**

- b. What training has been attended and/or conducted on the new FOIA Guidelines?

**ABMC's FOIA program is managed by two individuals performing the function as an additional duty. Both regularly attend briefings conducted by the Department of Justice Office of Information Policy.**

- c. How has your agency created or modified your internal guidance to reflect the presumption of openness?

**With a small centralized FOIA operation, few FOIA requests received annually, and agency records of most interest to the public already on the agency Web site, no additional internal guidance has been determined to be required.**

- d. To what extent has your agency made discretionary releases of otherwise exempt information?

**ABMC made no discretionary releases of otherwise exempt information. All but one denial were No Records, Fee-Related, or Exemption 6 privacy redactions of personal information such as Social Security Account Numbers. The one exception was an Exemption 5 denial based on 5 CFR Section 2634.604(b): “The [Confidential Financial Disclosure Report]s...are confidential. No member of the public shall have access to such reports, except pursuant to the order of a Federal court or as otherwise provided under the Privacy Act.” The agency chose not to make discretionary release of these reports.**

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

**N/A**

- f. How does your agency review records to determine whether discretionary releases are possible?

**All records requested and possessed by the agency are reviewed to determine whether full or partial release can be made. If an opportunity for discretionary release is apparent, this is discussed with the record custodian.**

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

**None**

2. Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year’s Annual FOIA Report.

|              | <u>Requests Processed</u> | <u>Full Release</u> | <u>Partial Release</u> |
|--------------|---------------------------|---------------------|------------------------|
| <b>FY 10</b> | <b>18</b>                 | <b>4</b>            | <b>4</b>               |
| <b>FY 09</b> | <b>12</b>                 | <b>3</b>            | <b>3</b>               |

**As in FY 09, the partial releases in FY 10 all resulted from Exemption 6 privacy redactions of personal information such as Social Security Account Number, phone number, and home address.**

## II. Steps Taken to Ensure that Your Agency has an Effective System 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.”

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

- a. Do FOIA professionals within your agency have sufficient IT support?

**Yes**

- b. Describe how your agency’s FOIA professionals interact with your Open Government Team.

**ABMC has not yet launched an Open Government portal on its Web site. The Web site will be redesigned in Fiscal Year 2011, at which time the Chief FOIA Officer will begin coordination with the agency’s Open Government Team to include an appropriate portal on the site.**

- c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.

**No assessment is necessary – the two additional duty personnel assigned FOIA responsibilities are adequate to process the 15-20 FOIA requests received annually.**

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

**None – ABMC has an effective and efficient processing system. We are a small agency that over the previous four fiscal years averaged 17 requests per year. Those requests were processed in an average time of 12 days and none were late.**

### 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 to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines. In doing so, answer the questions listed below and describe any additional steps taken by your agency to make proactive disclosures of information.

- a. Has your agency added new material to your agency website since last year?

**No – The information from our agency most sought after by the public is that related to the war dead interred or memorialized at the Commission’s overseas cemeteries. Those databases have been available on the agency website for many years. A database redesign effort to make it easier to use, and to add new search fields to increase the amount of information available to the public, was halted with the departure of our contractor’s programmer. We hope to complete that project in Fiscal Year 2011.**

- b. What types of records have been posted?

**None**

- c. Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.

**N/A**

- d. What system do you have in place to routinely identify records that are appropriate for posting?

**None – if the Chief FOIA Officer becomes aware of records that would be appropriate for posting he discusses that potential with the record custodian.**

- e. How do you utilize social media in disseminating information?

**The agency launched Facebook and YouTube pages on its Web site in March 2011 to make available general information and videos relevant to agency operations and programs.**

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

**None**

#### **IV. Steps Taken To Greater Utilize Technology**

A key component of the President's 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 agencies reported widespread use of technology in handling FOIA requests. For this section of your Chief FOIA Officer Report for 2011, please answer the following more targeted questions:

1. Electronic receipt of FOIA requests:

- a. What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?

**All**

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

**N/A**

- c. What methods does your agency use to receive requests electronically?

**Email and Fax**

2. Electronic tracking of FOIA requests:

- a. What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?

**All**

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

**N/A**

- c. What methods does your agency use to track requests electronically?

**Generic data/word processing systems**

- 3. Electronic processing of FOIA requests:

- a. What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?

**All**

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

**N/A**

- c. What methods does your agency use to process requests electronically?

**Email and Fax**

- 4. Electronic preparation of your Annual FOIA Report

- a. What type of technology does your agency use to prepare your agency Annual FOIA Report? Specify whether the technology is FOIA-specific or a generic data-processing system.

**Generic data/word processing systems**

- 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.

**We are satisfied with the existing systems used to prepare the Annual FOIA Report.**

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

Improvements to timeliness in responding to pending FOIA requests and reductions in backlogs are both ongoing agency effort. The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. Section XII of your Annual FOIA Report includes figures that show you agency's backlog of pending requests and administrative appeals for the past two fiscal years. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In this section you should address the following elements.

1. If your agency has a backlog, report here 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 of them your agency did close.

**The agency ended Fiscal Year 2009 with one pending request. That request was completed in Fiscal Year 2010, within the mandated 20-day period.**

**The agency had no pending requests at the end of Fiscal Year 2010.**

**The agency had no administrative appeals in Fiscal Years 2009 or 2010.**

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 other additional explanation.

- a. Is the backlog increase a result of an increase in the number of incoming requests or appeals?

**N/A**

- b. Is the backlog increase caused by a loss of staff?

**N/A**

- c. Is the backlog increase caused by an increase in the complexity of the requests received?

**N/A**

- d. What other causes, if any, contributed to the increase in backlog?

**N/A**

3. Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and 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?

**No – we do not set goals.**

**Yes – we monitor the progress of our FOIA caseload.**

**The agency does not have a record of late responses to requests. We have averaged a 12-day response time over the past four years and we have had no administrative appeals.**

b. Has your agency increased its FOIA staffing?

**No**

c. Has your agency made IT improvements to increase timeliness?

**No**

d. Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?

**Yes**

### **Spotlight on Success**

**The agency does not have a success story from Fiscal Year 2010 to share in this section. Overall, we are proud of the fact that our average response time over the past four years has been 12 days, with no late responses.**