

AFRICAN DEVELOPMENT FOUNDATION
Chief FOIA Officer Report, March 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 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.*
 - a. *Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency*
 - b. *What training has been attended and/or conducted on the new FOIA Guidelines?*
 - c. *How has your agency created or modified your internal guidance to reflect the presumption of openness?*
 - d. *To what extent has your agency made discretionary releases of otherwise exempt information?*
 - e. *What exemptions would have covered the information that was released as a matter of discretion?*
 - f. *How does your agency review records to determine whether discretionary releases are possible?*
 - g. *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") 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 2010, ADF revamped its website, www.adf.gov, to emphasize ADF's commitment to maintaining the highest level of openness and transparency in government and to provide additional 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. The 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.

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.

With respect to the specific questions above: (a) The FOIA information on ADF's website refers to the President's FOIA Memorandum and the Attorney General's FOIA Guidelines; (b) ADF did not attend or conduct training on the new FOIA guidelines; (c) ADF's revamped website provides internal guidance, as well as information to the public, on the presumption of openness in ADF's policies and programs; (d)-(f) 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.

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.*

Response:

This question does not apply to ADF because, as noted above, ADF received no FOIA requests in FY 2009. In FY 2010, ADF received and responded in less than 20 days to each of the four requests it received. With respect to two requests, the records were released in full, and for the other two requests, there were no records.

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."

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?*
- b. Describe how your agency's FOIA professionals interact with your Open Government Team.*
- c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.*
- d. 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 50 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: (a) FOIA professionals within ADF have sufficient IT support; (b) 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; (c) The OGC assesses periodically whether adequate staffing is being devoted to responding to FOIA requests; (d) 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.

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?*
- b. What types of records have been posted?*
- 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.*
- d. What system do you have in place to routinely identify records that are appropriate for posting?*
- e. How do you utilize social media in disseminating information?*
- f. 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.adf.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 2010 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. 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 the specific questions above: (a)-(b) ADF has added 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. ADF has also added new information under each "Quick Source" category, is developing a section on Training for "Quick Source," has posted a comprehensive photo gallery, and posts news releases on its projects and programs as they are issued; (c) Previously, detailed information on ADF's grants had to be specifically requested, but is now available on the website; (d) Top management periodically meet, review and discuss what additional information to add to the website; (e) As stated on ADF's Open Government website page: "Social Media – USADF utilizes social media platforms such as *YouTube* and *Twitter* to make current program information readily available to the public. These sources may be accessed from the right hand side of each web page"; (f) As also stated on its 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."

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 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?*
 - b. *To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?*
 - c. *What methods does your agency use to receive requests electronically?*

Response:

ADF added information on FOIA to its website in 2010, 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. In fact, three of the four FOIA requests received by ADF in FY 2010 were by email, and ADF responded to all four requests by email. 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.

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

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

Response:

As stated above, ADF is a small, independent Agency that has only one FOIA Service Center and, as such, only one component for FOIA purposes – *i.e.*, the Agency overall. Thus, there are no components which receive FOIA requests. The OGC, which receives all FOIA requests, tracks the requests electronically, using commercial data processing software.

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?*
 - b. *To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?*
 - c. *What methods does your agency use to process requests electronically?*

Response:

As stated above, ADF is a small, independent Agency that has only one FOIA Service Center and, as such, only one component for FOIA purposes – *i.e.*, the Agency overall. Thus, there are no components which process FOIA requests. The 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 2010 responding to all four requests received by email.

4. *Electronic preparation of your Annual FOIA Report:*
 - a. *What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.*
 - 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.*

Response:

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.

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 efforts. 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 your 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 that 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.

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?*
- b. Is the backlog increase caused by a loss of staff?*
- c. Is the backlog increase caused by an increase in the complexity of the requests received?*
- d. What other causes, if any, contributed to the increase in backlog?*

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?*
- b. Has your agency increased its FOIA staffing?*
- c. Has your agency made IT improvements to increase timeliness?*
- d. Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?*

Response:

As reported in Section XII of ADF's Annual FOIA Report for FY 2010, ADF has no backlog of pending FOIA requests or administrative appeals for the last two fiscal years. In fact, ADF received no FOIA requests from 2005 through 2009. ADF received four FOIA requests in FY 2010, responded to each within 20 days, and there were no administrative appeals. In response to the specific questions in Subsection 3, above, the OGC routinely monitors the number of FOIA requests received by ADF and the timeliness of ADF's responses. To date, ADF 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. ADF's Chief FOIA Officer, who is part of OGC, makes sure the agency has sufficient capacity to process FOIA requests.

Spotlight on Success

Out of all the activities undertaken by your agency in this last year to increase transparency, describe here one success story that you would like to highlight as emblematic of your efforts.

Response:

ADF added its Annual FOIA Report, its Chief FOIA Officer Report, and a description of FOIA and how to make a FOIA request to its website.