

IMPROVEMENT PLAN UNDER EXECUTIVE ORDER 13,392

U.S. COMMISSION ON CIVIL RIGHTS

A. Overall Nature of the U.S. Commission on Civil Rights' FOIA Operations

The Commission was established as an independent, bipartisan, fact finding federal agency. Through its investigation, research, and analysis on civil rights issues, the Commission issues reports containing findings and recommendations which assist in strengthening civil rights protection for the nation. As well as a national office, the Commission also has regional offices that support and coordinate the activities of the Commission's 51 State Advisory Committees. Along with the regional offices, the advisory committees monitor local civil rights related activities and consult with representatives of state and local governments. The Commission also serves as a national clearinghouse for civil rights information. The Commission is a small agency and has approximately 42 full time employees.

The Commission's Web site contains a wealth of information, including full versions of all its national reports, State Advisory Committee reports, press releases announcing the dates of briefings and the release of reports, transcripts from its monthly meetings, No Fear Act Statistics, annual FOIA statistics, and other pertinent information. All reports, statistics, and other data are easily downloadable from the Commission's Web site. This level of transparency enables individuals who want information to go directly to the Commission's Web site to obtain what they need. This level of transparency also lessens the number of FOIA requests the Commission receives.

While requests for information concerning the Commission are subject to FOIA, requests for information related to the operations of the SACs are subject to the Federal Advisory Committee Act (FACA) and are made directly to the regional office that services the particular committee.

B. Areas Selected for Review

In response to Executive Order 13,392, which calls upon agencies to improve their FOIA operations, the Commission's FOIA Officer reviewed the 2005 FOIA report and all FOIA requests for 2006. In addition to reviewing FOIA information and the FOIA section of the Commission's Web site, the FOIA Officer also examined the entire Web site for content. Additionally, the FOIA Officer reviewed the duties of the FOIA Requester Service Center and the FOIA Public Liaison.

C. Narrative Statement Summarizing Results of the Review

During 2005, the Commission received only 67 FOIA requests. The median processing time for FOIA requests was seven days. The FOIA Officer was the only individual performing FOIA operations in 2005. No FOIA exemptions were claimed during 2005. The Commission does not have a backlog of FOIA requests; therefore a multi-track processing system, used to prioritize FOIA requests, is not necessary.

When reviewing the types of information FOIA requesters were seeking, the FOIA Officer found that several FOIA requests stemmed from businesses seeking information as to who the contracting officer is for the agency. Other FOIA requesters were individuals in correctional institutions seeking information about their civil rights.

Generally, the FOIA officer does not send acknowledgement letters to individuals to inform them of the status of their pending requests because in most instances, the requested information is readily available or if not available, the information is provided within the allotted time.

Although the Commission's Web site contains a wealth of information, no Web site is all inclusive. There were instances where FOIA requesters asked for documents such as legislation and regulations authorizing the Commission, Executive Order 13,392 entitled "Improving Agency Disclosure of Information," and contact information for both the FOIA Requester Service Center and the FOIA Public Liaison.

D. Items Chosen as Improvement Areas for the Agency Plan

1. Affirmative disclosure under subsection (a)(2);
2. Proactive disclosure of information;
3. Overall FOIA Web site improvement;
4. Electronic FOIA-receiving/responding to requests electronically;
5. Process by which necessary cooperation is obtained from agency program personnel;
6. Expedited processing;
7. Politeness and courtesy; and
8. Forms of communication with requesters.

E. Specific Improvement Areas with Concrete Milestones and Outcomes

Information That Will Be Available on the Commission's Web site by December 2006

1. Affirmative disclosure under subsection (a)(2)

The Web site will include additional information on the legal document concerning disclosure, such as the Commission's enabling legislation and regulations, Executive Order 13,392, and the Federal Advisory Committee Act (FACA). The Web site will also provide information on how to contact the FOIA Officer, the FOIA Requester Service Center, and the FOIA Public Liaison. Similarly, the Web site will also contain information on the FOIA appeals process. Since the Commission's 51 State Advisory Committees documents are available pursuant to FACA, information concerning this statute and how to make FACA requests will be made available on the Commission's Web site. Success will be measured by examining the volume and content of FOIA requests to determine if the number of requests for this type of information has decreased.

2. Proactive disclosure of information

Since many FOIA requests are from businesses seeking information as to who makes the purchases for the agency, this information could be made readily available on the Commission's Web site. FOIA requesters occasionally want information on how to obtain civil rights related information from other government and non-government agencies. In order to proactively assist these requesters, FOIA Officers for other agencies will be listed on the Commission's Web site. The Web site will also provide a copy of the Commission's publication *Getting Uncle Sam to Enforce Your Civil Rights*. This publication provides the name, address and description of the activities of the pertinent government and non-government agencies and advocacy groups that can be of assistance to individuals seeking help in protecting their civil rights. Success will be measured by examining the volume and content of FOIA requests to determine if the number of requests for these types of information has decreased.

3. Overall FOIA Web site improvement

The Commission's Web site provides information to assist requesters in understanding the laws governing disclosure. The Commission's Web site will include information on how to make FOIA requests pursuant to these laws.

Currently, a joint publication of the Department of Justice (DOJ) and the General Services Administration (GSA) entitled *Your Right To Federal Records* can be found on the Commission's Web site. In addition, the Web site address of other DOJ reference materials will be posted on the Commission's Web site. Success will be measured by examining the volume and content of FOIA requests to determine if the number of requests for this type of information has decreased.

4. Electronic FOIA

In order to facilitate the use of emails as a means to receive and answer FOIA requests, the email addresses for the FOIA Officer, the FOIA Requester Service Center, and the FOIA Public Liaison will be posted on the Commission Web site. Success will be measured by examining the volume of FOIA requests to determine if the number of electronic FOIAs exceed telephonic and mail FOIAs.

5. Process by which necessary cooperation is obtained from agency program personnel

Commission personnel whose primary responsibilities are not FOIA related will be encouraged to place greater priority on providing the necessary FOIA assistance when needed. Success will be measured by the number of FOIA requests processed by individuals other than the FOIA Officer, the FOIA Liaison, or the FOIA Requester Service Center.

6. Expedited processing

When FOIA requests are received for expedited processing, the requester will receive a response within ten calendar days. Success will be measured by examining the median number of days it takes to process a FOIA request.

7. Politeness and courtesy

The agency shall respond to FOIA requesters in a courtesy and polite manner. Considerable attention was paid to this area in selecting the individuals to serve as the contact person for the FOIA Requester Service Center and the individual designated as the FOIA Public Liaison. Both individuals possess customer oriented attitudes and already work in an area where politeness is required and expected at all times. Success will be measured by the number of complaints received concerning the type of services provided by the FOIA Service Center and the FOIA Public Liaison.

8. Forms of communication with requesters

Whenever possible, requesters will receive a phone call to discuss the substance of their request and extra effort will be made to provide information concerning the availability of additional civil rights information. Success will be measured by the number of phone calls made to FOIA requesters. If a FOIA requester provides a phone number, a call will be made to at least 90 percent of the requesters.

Information that will be available on the Commission's Web site by December 2007

1. Affirmative disclosure under subsection (a)(2)

The Commission will post to its Web site an updated strategic plan, data quality guidelines, an annual plan, policy statements, staff manuals and other related and frequently requested documents. Success will be measured by examining the volume and content of FOIA requests to determine if the number of requests for this type of information has decreased.