

CHIEF FOIA OFFICER'S REPORT

INSTITUTE OF MUSEUM AND LIBRARY SERVICES (IMLS)

February 2019

This report has been prepared by Nancy E. Weiss, IMLS General Counsel and Chief FOIA Officer, in compliance with the "Guidelines for 2019 Chief FOIA Officer Reports" published by the Department of Justice Office of Information Policy. Questions concerning this report can be addressed to my attention via e-mail at nweiss@imls.gov or by phone at (202) 653-4640.

IMLS's 2019 Chief FOIA Officer Report provides a narrative of the agency's FOIA activities undertaken since the filing of last year's Report in February 2018.

INTRODUCTION

The Institute of Museum and Library ("IMLS" or the "Institute") recognizes that the Freedom of Information Act (FOIA) plays a fundamental role in the framework of Open Government. As a grant making, research, and evaluation agency whose mission is serving the public interest and providing public service, IMLS upholds public access and openness as a core operational value. As we referenced last year, one of IMLS's four agency-wide strategic goals in its 2018-2022 Strategic Plan is "increasing public access." As a bedrock mission principle, IMLS administers grant programs to museums and libraries for the explicit purpose of increasing public engagement and providing public access to digital content.

In carrying out its agency duties and responsibilities, IMLS is steadfast in exercising presumption of openness principles while administering effective FOIA processing operations. IMLS continually endeavors in its regular business operations to fulfill its mission to expand the public's access to information about the agency's programs and operations. The following narrative reports efforts IMLS has made to fulfill its obligation to ensure Open Government and fulfill FOIA's mandate during the reporting period.

AGENCY FOIA ACTIVITY

As described in IMLS's February 2018 Report, the IMLS Office of Digital and Information Strategy (ODIS) has a key operational goal to strategically integrate IMLS information collection, analysis, and management activities to better support IMLS operations, external stakeholders, and the general public. ODIS serves as a key partner in the agency's Open Government Team, which strives to maximize the public's access to information about the museums and libraries IMLS serves and supports. The following describes two concrete and valuable examples of proactive disclosures IMLS made over the last year to facilitate the public's access to information concerning IMLS's work.

As the first example, IMLS posted its updated Museum Data Files in 2018, providing the public a breadth of information about museums and related organizations, ranging from data about museum location (including geocode data), museum discipline, North American Industry

Classification System (NAICS) and National Taxonomy of Exempt Entities codes, DUNS, EIN, Regional classifications (American Alliance of Museums and the Bureau of Economic Analysis categorization schemes) and IRS 990 revenue information. The second example is the updated State Profiles IMLS posted in 2018, compiling and illustrating critical statistics about all public libraries in the 50 States and the District of Columbia. As approximately two-thirds of IMLS' grant making budget provides funding for formula-based Grants-To-States' libraries and library systems, these proactive disclosures of data information concerning the resources and uses of these State library agencies is a core aspect of the agency mission.

Furthermore, IMLS explored new ways of sharing information with the public through its 2018 flagship initiative IMLS Labs. IMLS Labs is an online portal which hosts new data exploration tools, and seeks feedback from the public about these resources. IMLS Labs currently features a Library Search and Compare tool, an easy way to query and view data from the Public Libraries Survey. The Library Search and Compare tool was developed through iterative agile development and continuous user feedback practices using principles from OMB's Digital Services Playbook. As a part of the agency's commitment to developing in the open, IMLS has posted the software code for this tool to the IMLS code-sharing page at <https://github.com/IMLS/library-search-compare>.

In addition to partnering with ODIS to establish new ways to improve proactive disclosures and public access to agency information, IMLS prioritized efforts to assess and update its internal FOIA business processes. Specifically, IMLS published in the Federal Register during 2018 proposed amendments to its agency-wide FOIA regulations; these regulations specifically address proactive disclosures, the agency's operating presumption of openness, while also updating references and other information. IMLS also joined a broad range of federal agencies to "stand up" its individual landing page and customized request form in the National FOIA Portal, opening for business in March 2018.

IMLS also remains engaged in examining all aspects of the IMLS FOIA process to determine whether there are new and more innovative ways to further improve, update, or automate IMLS business operations in the area of Open Government administration. One aspect of the agency's regular business operations IMLS has prioritized for improvement is in the area of high volume electronic records processing. IMLS is coordinating with a third party provider to employ an online e-discovery-like platform to handle the discrete number of the agency's FOIA requests that result in particularly voluminous search results. While continuing to follow its streamlined processing functions for handling FOIA processing, IMLS consistently identified and expedited simple requests efficiently this past year. By doing so, IMLS ensured that the great majority of simple requests receive agency FOIA responses within ten days. As an example of these efficiencies, every one of the first fifteen FOIA requests IMLS received in FY19 (from October 1 through November 21, 2018) was opened and closed within ten calendar days.

Moreover, IMLS continues to engage in proactive outreach with requesters whenever possible to clarify and resolve requests. In addition, IMLS placed a particularly heavy emphasis on customer service this year, including by helping to redirect requesters to the proper entity whenever IMLS receives a misdirected FOIA request. As two discrete examples, IMLS FOIA Requests 19-04 and 19-12 were misdirected to the agency rather than being properly sent to

the Library of Congress and the Smithsonian Institution, respectively. IMLS provided these requesters the proper contact and routing information each required to submit their requests fruitfully. Additionally, IMLS has closed ten of the fifteen FOIA requests that remain open in excess of twenty working days; and IMLS is making strides to close two of the remaining five “old” requests before the end of February 2019. The three oldest pending FOIA requests are designated for fast-track processing via the new online platform IMLS is engaging.

Regarding FOIA training and skills-building during this reporting period, the FOIA Team provided the entire IMLS staff a “soup-to-nuts” FOIA training during the agency’s All-Staff Meeting in June 2018. The training emphasized: the importance the FOIA statute places on the timeliness of responses by federal agencies; the critical elements of the agency’s FOIA routing slip (particularly search terms and instructions); the exigencies involved in coordinating with other agency colleagues in whose offices responsive records are located; the need for detail-oriented attention to produce only that information which is squarely responsive; and otherwise the value of coordinating with FOIA staff early and often upon receiving a FOIA routing slip.

With respect to external FOIA training, IMLS General Counsel Nancy Weiss and Associate General Counsel (AGC) Susan Gerson attended the Chief FOIA Officers’ Council Meeting July 19, 2018. Also in July 2018, AGC Gerson and FOIA Officer Gladstone Payton attended the ASAP National FOIA Training Conference. On October 4, 2018, IMLS’ FOIA Keyworker and FOIA Liaison Officer Mae Ridges attended the Chief FOIA Officers’ Council Meeting. Additionally, three IMLS staff attended the all-day OGIS training on November 2, 2018, engaging in a comprehensive review of all aspects of the FOIA administrative process, best practices in public customer service, as well as proactive conflict avoidance and resolution strategies. In sum, as a small agency whose staff handles its FOIA duties among an array of other work responsibilities, IMLS includes among its key priorities adherence to FOIA’s mandates requiring the mitigation of unnecessary backlogs, emphasizing proactive customer service, and remedying issues related to timeliness in processing agency FOIA requests. IMLS remains steadfast in its efforts to make strides and demonstrate its commitment to all tenets of Open Government and FOIA best practices principles.