

# 2015 Chief FOIA Officer Report

## Office of National Drug Control Policy

### I. Steps Taken to Apply the Presumption of Openness

#### Section I: Training

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes.

2. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Due to its small size, ONDCP does not have personnel assigned full time to administration of its FOIA program. FOIA duties have been assigned primarily to one officer in the Office of Legal Counsel who did attend DOJ FOIA training in 2014.

3. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.

ONDCP has hired a new officer to perform FOIA duties who has attended DOJ FOIA training in 2014.

#### Section I: Discretionary Releases

4. Does your agency have a distinct process or system in place to review records for discretionary release?
  1. If so, please briefly describe this process.
  2. If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?

Before a response is provided to the requester, the officer responsible for the FOIA program reviews the material to ensure that where an exemption applies, the records will be withheld or redacted only where ONDCP is able to articulate the harm that would result from the release of such information. The vast majority of ONDCP's responses are made either without redactions or with minor redactions for personal information.

5. During the reporting period, did your agency make any discretionary releases of information?

Yes.

6. What exemption(s) would have covered the material released as a matter of discretion?

The information was in the nature of previously classified material.

7. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

Some very old classified material was declassified and released in response to a FOIA request after determining that the release of the information would not pose any risks.

8. If your agency was not able to make any discretionary releases of information, please explain why.

Not Applicable.

#### **Section I: Other Initiatives**

9. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

None.

### **I. Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

#### **Section II: Processing Procedures**

1. For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing?

ONDCP did not grant any request for expedited processing.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Not Applicable.

## **Section II: Requester Services**

3. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration?

ONDCP did not receive any appeals in Fiscal Year 2014, and therefore did not have the opportunity to notify requesters of the mediation services offered by OGIS. However, if appeals are received, requesters will be notified of the mediation services offered by OGIS.

4. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication?

ONDCP generally do not charge a fee to process FOIA requests.

5. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester?

See Answer #4

## **Section II: Other Initiatives**

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

The Chief FOIA Officer is implementing a better system of reminders for agency components to respond in a timely manner to requests for records.

## **II. Steps Taken to Increase Proactive Disclosures**

### **Section III: Posting Material**

1. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.

No, but ONDCP only receives 60-70 FOIA requests in a typical year, so we would notice if certain records were requested often enough to warrant proactive disclosure. ONDCP does proactively disclose numerous documents on its website on a regular basis.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

Not Applicable.

3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

Not Applicable.

4. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

Much of the information ONDCP uses in formulating policy comes from publicly available sources generated from outside the agency. However, the ONDCP Office of Research and Data Analysis contracts for significant research studies regarding drug use and its consequences which are made available to the public on the ONDCP website. The Office of Research and Data Analysis also produces a compendium of drug-related data each year which is made available to the public electronically in a Data Supplement to the National Drug Control Strategy. The ONDCP website is at <http://www.whitehouse.gov/ondcp>

### **Section III: Other Initiatives**

5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

ONDCP has made an ongoing effort to provide more substantive information and data on its website, through email, and through social media.

## **IV. Making Material Posted Online More Useful**

1. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

No.

2. If yes, please provide examples of such improvements.

Not Applicable.

3. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

No.

4. If so, please briefly explain what those challenges are.

Not Applicable.

#### **Section IV: Other Initiatives**

5. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

No.

6. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2015.

ONDCP is a small agency with one part-time FOIA officer and only 60-70 FOIA request in a typical year, so it has traditionally posted such reports annually. ONDCP also hired a new FOIA officer who was only present for half of the fiscal year and was still being trained. ONDCP will endeavor to post such reports quarterly in the future.

7. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

Yes, ONDCP use e-mail and fax to communicate with requester when feasible.

8. If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

Not Applicable.

#### **V. Simple Track Requests**

1. Does your agency utilize a separate track for simple requests?

No.

2. If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

Not applicable.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

Not applicable.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

No.

#### **Section V: Backlogged Requests**

5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

It stayed roughly the same (FY 2013 – 6 requests; FY 2014 – 7 requests).

6. If you had a request backlog, please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2014.

9.7%

#### **Section V: Backlogged Appeals**

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

There was no backlog of appeals in either year.

8. If you had an appeal backlog, please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2014.

Not Applicable.

#### **Section V: Ten Oldest Requests**

9. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Yes.

10. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year. If you had less than ten total oldest requests to close, please indicate that.

ONDCP had less than ten total oldest requests to close.

11. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

None.

12. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

None pending from 2013.

13. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year. If you had less than ten total oldest appeals to close, please indicate that.

None pending from 2013.

**Section V: Ten Oldest Consultations**

14. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

None pending from 2013.

15. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year. If you had less than ten total oldest consultations to close, please indicate that.

None pending from 2013.

**Section V: Ten Oldest Requests, Appeals, and Consultations**

16. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

Not Applicable.

17. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Not Applicable.

18. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2015.

Not Applicable.

**Use of the FOIA's Law Enforcement Exclusions**

Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014?  
If so, please provide the total number of times exclusions were invoked.

No.