2020 Chief FOIA Officer Report
Office of National Drug Control Policy
Michael Passante, Acting General Counsel

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at this level?

RESPONSE
ONDCP does not have Assistant Secretaries. The Chief FOIA Officer is a senior official, our Acting General Counsel.

2. Please provide the name and title of your agency's Chief FOIA Officer.

RESPONSE
Michael Passante, Acting General Counsel.

B. FOIA Training

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

RESPONSE
Yes

4. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

RESPONSE
Freedom of Information Act Litigation Seminar
- guidance on successful litigation strategy,
- advanced litigation considerations, and
- details on the preparation of *Vaughn* Indices and declarations.

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

RESPONSE
50%

6. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

RESPONSE
ONDCP will be in touch with DOJ about scheduling a FOIA training with staff once our new FOIA contractor starts work within the next few weeks. For some of the staff at ONDCP who work on FOIA, FOIA is only a small part of their duties, so ONDCP tries to ensure that the frequency and length of training is commensurate with those duties.

C. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

RESPONSE
No.

D. Other Initiatives

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

RESPONSE
ONDCP's FOIA officials regularly communicate FOIA standards and expectations to employees throughout the agency who are responsible for locating and providing documents. FOIA-related performance standards have been included in employee work plans where those employees are substantially involved with FOIA.

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

RESPONSE
ONDCP tries to release as much information as possible when responding to requests. In the vast majority of ONDCP's responses to FOIA requests for which ONDCP had documents, the responses contained either no redactions or only minor redactions for personal information. Before responses were provided to requesters, ONDCP FOIA staff reviewed the material to ensure that where an exemption applied, the records were withheld or redacted only where ONDCP was able to articulate the harm that would have resulted from the release of such information.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

DOJ's FOIA Guidelines emphasize that "[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." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

1. For Fiscal Year 2019, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2019 Annual FOIA Report.

RESPONSE
9

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.

RESPONSE
N/A

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

RESPONSE
No.

4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2019 (please provide a total number or an estimate of the number).

RESPONSE
5

5. Optional -- Please describe:

- Best practices used to ensure that your FOIA system operates efficiently and effectively
- Any challenges your agency faces in this area

RESPONSE

Section III: Steps Taken to Increase Proactive Disclosures
The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

RESPONSE

1. ONDCP Internship Program – https://www.whitehouse.gov/ondcp/additional-links-resources/employment/
2. Budget Highlights - https://www.whitehouse.gov/ondcp/additional-links-resources/budget-and-performance/
3. Drug Free Communities End of Year Evaluation Report and End of Year Summary - https://www.whitehouse.gov/ondcp/grants-programs/
4. Drug Control Data Dashboard - https://www.whitehouse.gov/ondcp/additional-links-resources/budget-and-performance/
5. Data Supplement https://www.whitehouse.gov/ondcp/additional-links-resources/budget-and-performance/
6. Performance Reporting System - https://www.whitehouse.gov/ondcp/additional-links-resources/budget-and-performance/
7. Budget and Performance Summary – https://www.whitehouse.gov/ondcp/additional-links-resources/budget-and-performance/
8. Evaluation and performance of Federal government drug control programs and initiatives - https://www.whitehouse.gov/ondcp/additional-links-resources/budget-and-performance/
9. Updated HIDTA POCs – https://www.whitehouse.gov/ondcp/grants-programs/
10. Updated HIDTA map – https://www.whitehouse.gov/ondcp/grants-programs/
11. Updated Model State Drug Laws Initiatives information – https://www.whitehouse.gov/ondcp/grants-programs/
12. 2019 National Drug Control Strategy – https://www.whitehouse.gov/ondcp/
13. Fentanyl advisories – https://www.whitehouse.gov/briefings-statements/white-house-announces-actions-crack-trafficking-fentanyl-synthetic-opioids-better-position-private-sector-protect-homeland/
14. ONDCP's Visitors Records – October 2018 – September 2019 https://www.whitehouse.gov/ondcp/additional-links-resources/foia/

2. 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?

RESPONSE
Yes.

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

RESPONSE
ONDCP posted a new Drug Control Data Dashboard this year with an extensive array of drug-related data. We have taken steps to improve the presentation and usefulness of this data on the website and will continue to make further improvements next year. This has been helpful to the public, especially for frequent users of ONDCP data such as researchers. The Data Dashboard is a compilation of 163 tables in machine-readable form based on the 2019 National Drug Control Strategy's Data Supplement.

4. Optional -- Please describe:
  * Best practices used to improve proactive disclosures
  * Any challenges your agency faces in this area

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.
Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

1. Is your agency leveraging or exploring any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.

RESPONSE
No.

2. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

RESPONSE
Yes

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2019?

RESPONSE
Yes

4. 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 2020.

RESPONSE

We have been informed that due to White House website security, we cannot automatically link the quarterly reports to FOIA.gov. Our understanding is that is similar to other EOP components that are on the whitehouse.gov website. We will continue to post our quarterly reports so they are available to the public.

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.

RESPONSE
The raw data annual reports may be found at the following link:

https://www.whitehouse.gov/ondcp/about/foia-and-legal/
-FY2019: Annual
-FY2018: Annual

6. Optional -- Please describe:

- Best practices used in greater utilizing technology
- Any challenges your agency faces in this area

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2019 Annual FOIA Report and, when applicable, your agency's 2018 Annual FOIA Report.

A. Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

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

RESPONSE:
Yes

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2019?

RESPONSE
Yes

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2019 that were placed in your simple track.

RESPONSE
63%

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?

RESPONSE
N/A

B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

RESPONSE
Yes

6. If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?

RESPONSE
N/A

7. If your agency's request backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

RESPONSE
N/A

8. 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 2019. If your agency has no request backlog, please answer with "N/A."

RESPONSE

25%

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

REPONSE
ONDCP did not have a backlog of appeals in 2018 or 2019.

10. If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal Year 2018?

RESPONSE
N/A

11. If your agency's appeal backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

RESPONSE
N/A

12. 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 2019. If your agency did not receive any appeals in Fiscal Year 2019 and/or has no appeal backlog, please answer with "N/A."

RESPONSE
N/A

C. Backlog Reduction Plans

13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2018 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2019?

RESPONSE
N/A

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2019, what is your agency's plan to reduce this backlog during Fiscal Year 2020?

RESPONSE
N/A

D. Status of Oldest Requests, Appeals, and Consultations

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

RESPONSE
No.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

RESPONSE
6

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

RESPONSE
ONDCP hired a contractor to specifically work on FOIA, and we have increased our efforts to obtain responses from other agencies, which is the bulk of our pending requests.

TEN OLDEST APPEALS

18. In Fiscal Year 2019, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

RESPONSE
None pending in 2018

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

RESPONSE
N/A

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

RESPONSE
N/A

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

RESPONSE
None pending in 2018

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

RESPONSE
N/A

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

RESPONSE
The vast majority of the oldest request still outstanding require approval from other agencies that may have equities in those documents.

24. 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.

Received	Sent	Last Contact
2/2/2018	7/17/2019	11/1/2019
2/15/2018	7/16/2019	11/1/2019
2/15/2018	7/16/2019	11/1/2019
4/27/2017	7/17/2019	11/1/2019

25. 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 2020.

RESPONSE
We have increased our efforts to obtain responses from other agencies, which is the bulk of our pending requests.

F. Success Stories

Out of all the activities undertaken by your agency since March 2019 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

RESPONSE

In the past ONDCP has received FOIA requests for drug related data. ONDCP made available on our website new data on a range of drug-related topics as a Drug Control Data Dashboard. The information is a compilation of 163 tables in machine-readable form based on the 2019 National Drug Control Strategy's Data Supplement. Many tables have been updated since its initial posting in August, with new data available through November 2019. It includes data on drug use, drug use consequences, drug treatment, and drug availability at the national level. This data fulfills the new data requirements outlined in ONDCP's reauthorization statute included in the SUPPORT Act of 2018.