



UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 PENNSYLVANIA AVENUE, NW, WASHINGTON, DC 20425

www.usccr.gov

Chief FOIA Officer Report 2013
(The Chief FOIA Officer position has been vacant since April 2012.)

Section I: Steps Taken to Apply the Presumption of Openness

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period? **No**
2. Did your agency make any discretionary releases of otherwise exempt information? **No**
3. What exemptions would have covered the information that was released as a matter of discretion? **N/A**
4. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion. **N/A**
5. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. **N/A**

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

1. Do FOIA professionals within your agency have sufficient IT support? **The FOIA staff have IT support.**
2. Do your FOIA professionals work with your agency's Open Government Team? **N/A**
3. Has your agency assessed whether adequate staffing is being devoted to FOIA administration? **Yes**
4. Describe 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, streamlining consultations, eliminating redundancy, etc.

The FOIA staff instituted a more efficient record keeping system and is saving all FOIA responses electronically.

Section III: Steps Taken to Increase Proactive Disclosures

1. Provide examples of material that your agency has posted this past year.

Commission News, Annual Statutory Report for 2012, Recent State Advisory Committee Reports, Request for Congressional Appropriation for Fiscal Year 2013, Inspector General Reports, and annual Performance and Accountability Reports.

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, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.? **N/A**
3. If so, provide examples of such improvements. **N/A**
4. Describe any other steps taken to increase proactive disclosures at your agency. **N/A**

Section IV: Steps Taken to Greater Utilize Technology

1. Can FOIA requests be made electronically to your agency? **Yes**
2. If your agency is decentralized, can FOIA requests be made electronically to all components of your agency? **N/A**

Online tracking of FOIA requests:

3. Can a FOIA requester track the status of his/her request electronically? **No**
4. If so, describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system. **N/A**
5. In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request? **N/A**
6. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability? **No**

Use of technology to facilitate processing of requests:

7. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? **No, the small volume of requests received do not merit the investment.**
8. If so, describe the technological improvements being made. **N/A**

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

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section 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 and appeals. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2012 Annual FOIA Report.*

1. 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. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.
 - a. Does your agency utilize a separate track for simple requests? **Yes**
 - b. If so, for your agency overall, for Fiscal Year 2012, was the average number of days to process simple requests twenty working days or fewer? **Yes**
 - c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer? **N/A**

2. Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2012 as compared to Fiscal Year 2011. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C. (5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2011 and Fiscal Year 2012 should be used for this section.
 - a. If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011? **N/A because there were no backlog requests in FY 2012.**
 - b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2011? **N/A**
 - c. In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011? **Yes**
 - d. In Fiscal Year 2012, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2011? **N/A**

3. If you answered "no" to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog: **N/A because the Commission did not have any request backlog in FY 2012.**

- a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests? **N/A**
- b. Was the lack of a reduction in the request backlog caused by a loss of staff? **N/A**
- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received? **N/A**
- d. What other causes, if any, contributed to the lack of a decrease in the request backlog? **N/A**

Administrative Appeal Backlog: **N/A because the Commission did not have any appeals in FY 2012.**

- a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals? **N/A**
 - b. Was the lack of a reduction in the appeal backlog caused by a loss of staff? **N/A**
 - c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received? **N/A**
 - d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog? **N/A**
4. OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information. If your agency had a backlog in Fiscal Year 2012, please provide an estimate of the number of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed. **N/A**

Use of FOIA’s Law Enforcement “Exclusions”

In order to increase transparency regarding the use of the FOIA’s statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to “treat the records as not subject to the requirements of [the FOIA],” 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

- 1. Did your agency invoke a statutory exclusion during Fiscal Year 2012? **No**
- 2. If so, what was the total number of times exclusions were invoked? **N/A**

Spotlight on Success

Out of all the activities undertaken by your agency since March 2012 to increase transparency and improve FOIA administration, describe here 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.

The U.S. Commission on Civil Rights did not have a request backlog or any FOIA appeals in fiscal year 2012. This reflects the FOIA staff’s commitment to process each request as expediently and completely as possible.