

March 10, 2010

TO: OFFICE OF INFORMATION POLICY
U.S. DEPARTMENT OF JUSTICE

FROM: EMMA GONZALEZ-JOY

SUBJECT: CHIEF FOIA OFFICER REPORT
U.S. COMMISSION ON CIVIL RIGHTS

I. Steps Taken to Apply the Presumption of Openness

On May 18, 2009, the Staff Director of the U.S. Commission on Civil Rights informed Commission employees of the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. He requested Commission division heads and employees to review records with a view to determining what can be released rather than what can be withheld. He encouraged them to make discretionary disclosures of information where appropriate. An administrative policy with a presumption of disclosure implementing these FOIA guidelines was established.

The maximum has been done to implement the Administration's presumption of openness. As the FY 2009 FOIA report indicates, the number of Commission FOIA requests that require disclosure of agency documents is minimal. Most of the requests are for items for which there are no records. Many requesters want civil rights related information. Generally, the requesters are provided with the Catalogue of Commission Publications, a list of Commission and state advisory committee reports on civil rights related topics. These reports can be downloaded from the internet or they can be requested from the library.

Discuss number for 2009 for releases in full with numbers for 2008 and 2009. In FY 2008 there were 18 disclosures in full out of 43 requests and in FY 2009 there were 14 disclosures in full out of 42 requests.

II. Steps taken for Ensuring that the Commission has an Effective System for Responding to Requests

At the end of FY2009 the Commission on Civil Rights had 42 full time employees. Because of the scarcity of employees, the FOIA Officer does all aspects of FOIA requests. She has the full and prompt cooperation of the IT Specialist for the agency. In order to expedite answers the FOIA Officer has been provided during FY2009 with a printer for her sole use.

II. Steps Taken to Ensure That the Commission Has an Effective System for Responding to FOIA Requests

Additional equipment has been provided to the FOIA Officer to facilitate answering the FOIAs as soon as possible. The increase in the amount of information on the website has reduced the number of requests for full disclosure of information. During FY 2008 there were no partial grants and 18 full grants of information. During FY 2009 there was 1 partial grant and 14 full grants of information.

III. Steps taken to Increase Proactive Disclosures

The Commission's Web site provides information to assist requesters in understanding the laws governing disclosure. The Commission's Web site includes information on how to make FOIA requests. 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 are posted on the Commission Web site.

The Commission added to the Web site agency legal documents, such as the Commission's enabling legislation and regulations and Executive Order 13,392. The Commission posted 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.

The Commission serves as a national clearinghouse for civil rights information. 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. The Web site also added 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. All reports, statistics, and other data are easily downloadable from the Commission's Web site.

The Commission has regional offices that support and coordinate the activities of the Commission's 51 State Advisory Committees (SACs). 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. Since the Commission's 51 State Advisory Committees documents are available pursuant to FACA, information concerning Federal Advisory Committee Act (FACA) and how to make FACA requests is made available on the Commission's Web site.

Since many FOIA requests are from businesses seeking information as to who makes the purchases for the agency, this information was made available on the Commission's Web site.

The Commission is actively planning to comply with the Open Government Directive received from the Director of the Office of Management and Budget, dated December 8, 2009. This directive urges all agencies to take prompt steps to expand access to information by making it available online in open formats.

The Commission plans to expand the information available on the website to create an Open Government Webpage that will include: (1) the number Complaint Referrals by Month; (2) the number of Publications requested; and (3) other data sets approved by the Office of the Staff Director and the Office of Management.

The Website will be expanded to include a section that shall contain Input by Citizens. It will serve as the gateway for Commission activities related to the Open Government Directive, and not only provide government data-- but also provide ways to give feedback on the data and ask for information. It will have a comment section on briefings and SAC meetings and a link to CSPAN videos of briefings. The public will be able to file a civil rights compliant online with a link to new NIST website (www.civilrightsusa.gov) upon completion. The Commission will also set up a bog using a service of Ideascale* View example at: <http://www.ideascale.com/opengov/>. This service is used by agencies to enlist feedback and ideas from citizens.

IV. Steps Taken to Greater Utilize Technology

The agency currently receives requests electronically by means of emails to the FOIA officer. There requests are not tracked electronically because most are answered immediately. There are so few requests that require an answer from other offices that it does not warrant this type of tracking. When the email of the requester is known answers are provided electronically. The numbers that are provided in the Annual FOIA requests are obtained electronically.

Many of our requests come from individuals who do not have access to the internet, i.e. individuals in correctional institutions. Therefore, most of our answers have to be done by means of word processing and answered by regular mail.

The number of FOIA requests received during FY 2009 was 42. The limited number of requests does not warrant the additional expense of setting up an electronic system.

V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

The Commission does not have a backlog of requests at the end of either FY 2008 or FY 2009. The average number of days to process answers was reduced from 5.6 in FY 2008 to 4 in FY 2009. The median number of days in FY 2009 was 2 and this was reduced to 0 in 2009. A median number of 0 means that most requests were answered the same day they were received. There were no administrative appeals either year.