



UNITED STATES COMMISSION ON CIVIL RIGHTS

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Chief FOIA Officer Report **Fiscal Year 2018**

The United States Commission on Civil Rights is an independent federal agency charged by Congress with informing the development of national civil rights policy and reporting on the enforcement of federal civil rights laws. The Commission pursues this mission by investigating alleged deprivations of voting rights or allegations of discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice. The Commission informs the President, Congress and the public of its findings and provides policy recommendations on civil rights issues. The Commission has also established 51 state advisory committees, which report on civil rights matters in their respective areas. Records created as a result of the fulfillment of the Commission's mission are promptly made available on the agency website at www.usccr.gov.

The Commission remains dedicated to responding to all FOIA requests with the presumption of openness, and providing outstanding personalized customer service. The Commission routinely and promptly responds to requests from concerned citizens and interested parties to review a wide variety of agency documents. We do this regardless of whether materials are requested under the FOIA, or as a research request. Generally, requested material is delivered in full; information is withheld only if it meets the criteria of an exemption. As discussed below, the Commission received less than 50 FOIA requests (and only twice claimed an exemption) in fiscal year 2018.

This report was prepared by Maureen Rudolph (General Counsel and Chief FOIA Officer) and Brian Walch (FOIA Public Liaison), in compliance with the "Guidelines for 2018 Chief FOIA Officer Reports," published by the Department of Justice's Office of Information Policy. Questions concerning this report can be addressed to foia@usccr.gov.

Steps Taken to Apply the Presumption of Openness

The Commission posts links to news, reports, correspondence, testimony, upcoming public meetings, and meeting transcripts on the agency's website, www.usccr.gov, which demonstrates openness. In addition, we regularly use Twitter (<https://twitter.com/USCCRgov>) and Facebook (<https://www.facebook.com/USCCRgov>) to post information related to our activities. We live-stream, via YouTube, a significant number of our public meetings and briefings at: <https://www.youtube.com/user/USCCR/videos>. These videos remain available for public viewing online subsequent to the event. The Commission endeavors to make the largest amount of information publicly available, subject to budgetary caps.

Steps Taken to Ensure that Agency Has an Effective System in Place for Responding to Requests

The Commission is a very small agency and received less than 50 FOIA requests in fiscal year 2018. The Office of General Counsel administers the agency's FOIA program. Each received request is assigned a tracking number, classified as simple, normal, complex or voluminous, and is processed within the time frames stated in the current version of the regulations. In the interest of effectively and efficiently responding to FOIA requests, the agency has made it a practice to deem all incoming FOIA requests as a priority within the workload of the agency's staff whose assignments include FOIA requests. As reported in our fiscal year 2018 annual FOIA report, during this reporting period:

- 26 of 27 total simple requests were processed within 20 days.
- The sole complex request was processed within 20 days.
- Within this reporting period, partial disclosures were made twice -- once under Exemption 6 to protect personal privacy, and once under Exemption 5.
- There were no FOIA appeals.

Therefore, the agency has an effective system in place for responding to FOIA requests.

Steps Taken to Increase Proactive Disclosures

Below are some examples of public items and events that the Commission proactively disclosed and made available to the public on the agency's website during fiscal year 2018. These items were also communicated via our social media (see above).

Performance and Accountability Report, Fiscal Year 2018:

<https://www.usccr.gov/pubs/congress/FY2018-PAR.pdf>

FY 2018 Statutory Enforcement Report:

- "An Assessment of Minority Voting Rights Access in the United States"
https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf

Additional Commission Reports:

- "Contemporary Civil Rights Challenges: A View from the States"
<https://www.usccr.gov/pubs/2018/09-07-Contemporary-Civil-Rights-Challenges.pdf>
- "Public Education Funding Inequity in an Era of Increasing Concentration of Poverty and Resegregation"
<https://www.usccr.gov/pubs/2018/2018-01-10-Education-Inequity.pdf>

- “Working for Inclusion: Time for Congress to Enact Federal Legislation to Address Workplace Discrimination against Lesbian, Gay, Bisexual, and Transgender Americans”
https://www.usccr.gov/pubs/docs/LGBT_Employment_Discrimination2017.pdf

State Advisory Committee Reports and Advisory Memoranda:

- Summary and Analysis of Racial Discrimination in Criminal Prosecution and Sentencing in Maine
<https://www.usccr.gov/pubs/docs/2017-12-07-Advisory-Memo.pdf>
- Fees and Fines and Bail Reform in Maryland
<https://www.usccr.gov/pubs/2018/2018-02-26-Fees-Fines-MD.pdf>
- Civil Rights and Policing Practices in Minnesota
<https://www.usccr.gov/pubs/2018/03-22-MN-Civil-Rights.pdf>
- The Civil Rights Implications of "Broken Windows" Policing in NYC and General NYPD Accountability to the Public
<https://www.usccr.gov/pubs/2018/03-22-NYSAC.pdf>
- Voting Rights in New Hampshire
<https://www.usccr.gov/pubs/2018/05-16-NH-Voting-Rights.pdf>
- Alaska Native Voting Rights
<https://www.usccr.gov/pubs/2018/05-25-AK-Voting-Rights.pdf>
- Voting Rights in Ohio
<https://www.usccr.gov/pubs/2018/06-27-OH-Voting-Rights.pdf>
- Voting Rights in Maine
<https://www.usccr.gov/pubs/2018/06-29-ME-Voting-Rights.pdf>
- Civil Rights and Voting in Illinois
<https://www.usccr.gov/pubs/2018/IL-Voting-Rights.pdf>
- Voting Rights in Texas
<https://www.usccr.gov/pubs/2018/07-23-TX-Voting-Rights.pdf>
- Voting Rights in Arizona
<https://www.usccr.gov/pubs/2018/07-25-AZ-Voting-Rights.pdf>
- Voting Rights in Indiana
<https://www.usccr.gov/pubs/2018/07-25-IN-Voting-Rights.pdf>
- Access to Voting in Alabama
<https://www.usccr.gov/pubs/2018/08-08-AL-Voting-Access.pdf>

- Barriers to Voting in Louisiana
<https://www.usccr.gov/pubs/2018/08-20-LA-Voting-Barriers.pdf>
- Advisory Memorandum on Solitary Confinement in Connecticut
<https://www.usccr.gov/pubs/2018/09-07-CT-Solitary-Confinement.pdf>
- The Civil Rights Implications of Tennessee's Civil Asset Forfeiture Laws and Practices
<https://www.usccr.gov/pubs/2018/09-12-TN-Civil-Laws.pdf>
- Housing Discrimination in Vermont: A Handshake and a Smile
<https://www.usccr.gov/pubs/2018/09-21-VT-Housing.pdf>
- The Colorado Constitution's No Aid to Sectarian Institutions Clause and its Impact on Civil Rights
<https://www.usccr.gov/pubs/2018/09-27-CO-Sectarian.pdf>
- Elder Abuse in New Mexico
<https://www.usccr.gov/pubs/2018/09-27-NM-Elder-Abuse.pdf>

Steps Taken to Greater Utilize Technology

The Commission posts almost all records in “portable document format” (.pdf), which is a universal, accessible format, so users can easily view, save, print, or forward the document. For all requesters who provide an email address, FOIA staff use email to communicate, demonstrating a spirit of cooperation. Also, for these requesters, all agency FOIA responses are sent via email, with responsive documents in pdf format. All records regarding these requests are saved electronically. This process takes full advantage of technology.

A small number of the FOIA requests received by the agency are from incarcerated individuals, who mail in their requests. These requesters do not provide email addresses; as such, all correspondence must be sent via the U.S. Postal Service, and all documents must be provided in paper format. Furthermore, a very small minority of other requesters mail in paper requests without an email address, so responses and documents must be provided in paper as well. The Commission scans and saves these requests, and stores the records electronically. This process utilizes technology to the maximum extent possible.

Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

As stated above, the Commission is a small agency that received less than 50 FOIA requests in fiscal year 2018. According to the Commission's fiscal year 2018 annual FOIA report, 26 of 27 total simple requests (see above) were processed within 20 days. Furthermore, there were no FOIA appeals and no backlogged FOIA requests. This reflects FOIA staff's commitment to process each request as expediently and completely as

possible. Therefore, the Commission has not taken steps to improve timeliness in responding to requests and reducing backlogs during this reporting period.

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The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. For information about the Commission, please visit www.usccr.gov and follow us on [Twitter](#) and [Facebook](#).