

2011 Chief FOIA Officer Report for the Overseas Private Investment Corporation

I. Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

1. Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

- a. Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.** OPIC is a small agency and has three attorneys handle assigned to handle FOIA matters. All three attorneys are versed in the President's and Attorney General's memoranda. The memoranda were circulated among the executive staff. Agency guidance and training implement the presumption.
- b. What training has been attended and/or conducted on the new FOIA Guidelines?** The primary attorney responsible for FOIA matters has attended the Conference for Chief FOIA Officers and FOIA Principal Contacts, Training for FOIA for Attorneys and Access Professionals, and FOIA Public Liaisons Training.
- c. How has your agency created or modified your internal guidance to reflect the presumption of openness?** OPIC is a small agency and has three attorneys handle assigned to handle FOIA matters, therefore no written internal guidance is needed. All three attorneys are versed in the President's and Attorney General's memoranda. As a matter of law and relevant executive branch guidance, all requests are processed with the presumption of openness.
- d. To what extent has your agency made discretionary releases of otherwise exempt information?** OPIC does not keep statistics on the number of pages of information it did not withhold solely because of the presumption of openness since that presumption has been applied as a matter of course, in accordance with the law.
- e. What exemptions would have covered the information that was released as a matter of discretion?** OPIC does not keep statistics on the number of pages of information it did not withhold solely because of the presumption of openness since that presumption has been applied as a matter of course, in accordance with the law.
- f. How does your agency review records to determine whether discretionary releases are possible?** The Chief FOIA Officer serves as part of the task force that is continuing to identify information that will be made available in the future.
- g. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.** All initiatives are described above.

2. Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report. In FY09, OPIC processed 37 FOIA requests. All requested information was released 35% of the time. Partial information was released 24% of the time. In FY10, OPIC processed 43 FOIA requests. All requested information was released 9% of the time. Partial information was released 47% of the time. Fiscal Year 2010 saw an increase in what for this agency could be considered large and complex FOIA requests which made it more likely that some

exempt information would be included in the records by simple numerical probability. Based on our analysis of previous years, this influx accounts for the shift from full to partial releases.

II. Steps Taken to Ensure that Your Agency has an Effective System In Place for Responding to Requests

As the Attorney General emphasized in his FOIA Guidelines, "[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."

Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

- a. Do FOIA professionals within your agency have sufficient IT support? Yes.**
- b. Describe how your agency's FOIA professionals interact with your Open Government Team.** The Chief FOIA Officer coordinates with other departments and teams, including the Open Government Team.
- c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.** FOIA requests are responded to effectively, therefore adequate staffing exists with respect to the small volume of requests.
- d. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.** All steps are described above.

III. Steps Taken To Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines. In doing so, answer the questions listed below and describe any additional steps taken by your agency to make proactive disclosures of information.

- a. Has your agency added new material to your agency website since last year? Yes.**
- b. What types of records have been posted?** New Social and Environmental Impact Assessments, arbitral awards, board resolutions, annual reports, Office of Accountability reviews, etc.
- c. Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.** OPIC's Greenhouse Gas Emissions Inventory, Greenhouse Gas Emissions Analysis Details, and OPIC US and Developmental Effects.
- d. What system do you have in place to routinely identify records that are appropriate for posting?** The Chief FOIA Officer serves as part of the task force that is continuing to identify information that will be made available in the future.

- e. **How do you utilize social media in disseminating information?** When new information is proactively made available, it is posted to our webpage and announced through OPIC's Twitter and Facebook feeds, two new social media sources that were added in FY10.
- f. **Describe any other steps taken to increase proactive disclosures at your agency.** All steps are discussed above.

IV. Steps Taken To Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. In 2010 agencies reported widespread use of technology in handling FOIA requests. For this section of your Chief FOIA Officer Report for 2011, please answer the following more targeted questions:

1. Electronic receipt of FOIA requests:

- a. **What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?** All.
- b. **To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?** OPIC has no components.
- c. **What methods does your agency use to receive requests electronically?** Requests may be submitted through e-mail or via fax.

2. Electronic tracking of FOIA requests:

- a. **What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?** All.
- b. **To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?** OPIC has no components.
- c. **What methods does your agency use to track requests electronically?** OPIC has created a tracking and reporting system using shared server technology that allows the attorney handling FOIA requests to enter information for each request and track its progress. The system operates on agency servers with technical support provided by the IT department. It uses a minimal amount of resources and requires little maintenance. The attorneys who deal with FOIA matters review the information on a daily basis.

3. Electronic processing of FOIA requests:

- a. **What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?** All.
- b. **To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?** OPIC has no components.
- c. **What methods does your agency use to process requests electronically?** OPIC scans documents that are not otherwise available into digital format. The scanned documents, as well as original electronic documents, are processed digitally for redaction and marking purposes. OPIC does not have any components.

4. Electronic preparation of your Annual FOIA Report:

- a. **What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.** The Annual FOIA Report is compiled using statistics generated by the tracking system described above as well as by a separate spreadsheet maintained by the attorney who has primary responsibility for handling FOIA requests.
- b. **If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.**
Not applicable.

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

Improvements to timeliness in responding to pending FOIA requests and reductions in backlogs are both ongoing agency efforts. The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. Section XII of your Annual FOIA Report includes figures that show your agency's backlog of pending requests and administrative appeals for the past two fiscal years. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In this section you should address the following elements.

1. If your agency has a backlog, report here whether that backlog is decreasing. No backlog. That reduction should be measured in two ways. First, report whether the number of backlogged requests and backlogged administrative appeals that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year. No backlog. Second, report whether your agency closed in Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them your agency did close. No backlog.

2. If there has not been a reduction in the backlog as measured by either of these metrics, describe why that has occurred. No backlog. In doing so, answer the following questions and then include any other additional explanation:

- a. **Is the backlog increase a result of an increase in the number of incoming requests or appeals?** No backlog exists.
- b. **Is the backlog increase caused by a loss of staff?** No backlog exists.
- c. **Is the backlog increase caused by an increase in the complexity of the requests received?** No backlog exists.
- d. **What other causes, if any, contributed to the increase in backlog?** No backlog exists.

3. Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals. In doing so answer the following questions and then also include any other steps being taken to improve timeliness.

- a. **Does your agency routinely set goals and monitor the progress of your FOIA caseload?** Yes.
- b. **Has your agency increased its FOIA staffing?** No.
- c. **Has your agency made IT improvements to increase timeliness?** No.
- d. **Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?** Yes.

Spotlight on Success

Out of all the activities undertaken by your agency in this last year to increase transparency, describe here one success story that you would like to highlight as emblematic of your efforts. OPIC received

six lengthy FOIA requests from one requester, all related to the same project. One request had over twenty requested items. OPIC was able to coordinate with departments and the requester to limit the scope of the requests so that a response could be made within a reasonable amount of time. The small size of our FOIA office generally makes filling lengthy and complex FOIA requests more challenging. However, when a requester is amenable to suggestions on limits or alterations to their request, having a small FOIA office enables OPIC to provide individualized assistance to understand what a requester is seeking and how to most efficiently obtain that information.