

**March 13, 2017 to March 12, 2018 Chief FOIA Officer Report  
for the Overseas Private Investment Corporation**

**OPIC Chief FOIA Officer: Dev Jagadesan, Deputy General Counsel**

**Section 1: Steps Taken to Apply the Presumption of Openness**

**A. FOIA Training**

**1. 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? Yes.**

**2. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.** Training ranged from general overview sessions to discussion of recent developments in FOIA policy.

**3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.** 100%

**4. 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.** One FOIA contractor who was here for only three weeks of the reporting period did not attend training during that time period and is not included above.

**B. Outreach**

**5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?** OPIC updated its regulations in May 2017 and solicited public comment. Changes were made to the proposed regulations based upon some of the comments received.

**C. Other Initiatives**

**6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.** FOIA Staff met with transitional management and incoming political appointees to remind them of their records and FOIA obligations.

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

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

**1. For Fiscal Year 2017, 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 2017 Annual FOIA Report. 1**

**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.**

**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.** OPIC completed a review of its FOIA program in order to ensure compliance with the newest FOIA amendments. As a part of this review, the FOIA Office updated letters, guidance, and the OPIC FOIA regulations.

**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 2017 (please provide a total number or an estimate of the number). 0**

**5. Optional Survey Question: If possible, please provide an estimate of the average number of pages that your agency processes for each request. You may provide estimates for each track.** In FY 2017, OPIC released 22,473 pages and withheld 1,716. These numbers do not include any documents manually removed as non-responsive, scoped, or duplicative. The FOIA Office estimates that if the total number of pages were to include these three categories, the numbers would be approximately 50-75% higher.

**6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.**

### **Section III: Steps Taken to Increase Proactive Disclosures**

**1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.** OPIC posts copies of its annual report (which include audited financial statements), <http://www.opic.gov/media-connections/annual-reports>; brief summaries of all board approved projects, <http://www.opic.gov/opic-action/all-project-descriptions>; summaries of any environmentally or socially sensitive projects prior to approval <http://www.opic.gov/doing-business-us/OPIC-policies/environment/documents>; and provides many other types of information on its website.

**2. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.** OPIC maintains a blog that provides the public with the latest news and more information on featured projects. In addition, members of the public can sign up for the OPIC Updates e-mail newsletter. Both provide links to OPIC postings, such as this blog post announcing OPIC's Annual Policy Report: <https://www.opic.gov/blog/opic-action/far-reaching-impact-read-opics-latest-annual-policy-report>

**3. 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? Yes**

**4. If yes, please provide examples of such improvements.** OPIC website and social media outlets continue to be improved based on internal and external feedback.

**5. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures? No.**

#### **Section IV: Steps Taken to Greater Utilize Technology**

**1. Has your agency identified any best practices to leverage 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? If yes please describe the best practices, the types of technology used and the impact on your agency's processing. No.**

**2. Did your agency successfully post all four quarterly reports for Fiscal Year 2017? Yes.**

**3. 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 2018.**

**4. 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 2016 Annual FOIA Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report. All of OPIC's FOIA reporting, including the raw data reports, can be found at <https://www.opic.gov/who-we-are/foia-annual-reports>.**

**5. If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.**

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

##### **A. Simple Track**

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

**2. If so, for your agency overall in Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer? Yes.**

**3. Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track. 78%.**

**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?**

## **B. Backlogs**

### **BACKLOGGED REQUESTS**

**5. If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016? Yes.**

**6. If not, 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.**

**7. 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 2017. 7%.**

### **BACKLOGGED APPEALS**

**8. If your agency had a backlog of appeals at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016? No backlog.**

**9. If not, 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.**

**10. 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 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A." N/A.**

## **C. Backlog Reduction Plans**

**11. In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2016 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your 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 2017? Not applicable.**

**12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018?**

#### **D. Status of Ten Oldest Requests, Appeals, and Consultations**

##### **TEN OLDEST REQUESTS**

**13. In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 Annual FOIA Report? No.**

**14. 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 2016 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. Seven out of nine of the oldest pending requests were closed.**

**15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal? 0.**

##### **TEN OLDEST APPEALS**

**16. In Fiscal Year 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 Annual FOIA Report? No pending appeals.**

**17. 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 2016 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

##### **TEN OLDEST CONSULTATIONS**

**18. In Fiscal Year 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 Annual FOIA Report? No pending consultations.**

**19. 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 2016 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

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

**20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017. One pending request is very complex as it involves a project that spans over a decade, takes place in a foreign country with security concerns, involves several other agencies—including investigatory agencies, and has required multiple staggered third party notices—including notices to non-native English speakers not familiar with American laws. Furthermore, as OPIC is a small agency and most requests are simple requests, the OPIC FOIA Office does not have the electronic tools to organize this request and review must be done manually, making consistent redaction and sufficient third party notice a challenge. See Item 21 for the other pending request.**

**21. 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.** FOIA 2015-00033 was received by OPIC on July 21, 2015 and sent for consultation on January 21, 2016. OPIC has followed up regularly, with the last follow-up made on February 16, 2018.

**22. 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 2017.** OPIC will continue to follow-up regularly with the agency in FOIA 2015-00033, but is unable to do anything more. For the other pending request, OPIC is redirecting existing resources to focus on closing the request.

## **F. Success Stories**

**Out of all the activities undertaken by your agency since March 2017 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.**

- Updated FOIA regulations to:
  - Align with the recommended DOJ OIP template,
  - Include best practices,
  - Implement a multi-track system to assist with increased request volume, and
  - Ensure compliance with the 2016 FOIA Amendments.
- As part of the FOIA regulation update, OPIC solicited, reviewed, and incorporated public comments.