



*Council of the*  
**INSPECTORS GENERAL**  
*on INTEGRITY and EFFICIENCY*

Chief FOIA Officer's Report  
February 27, 2012

The Council of the Inspectors General on Integrity and Efficiency (CIGIE) submits this report in accord with the Attorney General's FOIA guidelines issued on March 19, 2009, calling upon agencies to reaffirm the government's "commitment to accountability and transparency." Specifically, the provision directing agency Chief FOIA Officers to review "all aspects of their agencies' FOIA administrations" and to report annually to the Department of Justice on the steps taken "to improve FOIA operations and facilitate information disclosure."

CIGIE is a new Federal entity created by the Inspector General Reform Act of 2008 (P.L. 110-409) which charged CIGIE with "address[ing] integrity, economy, and effectiveness issues that transcend individual Government agencies, and increase[ing] the professionalism and effectiveness of personnel by developing policies, standards and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General." CIGIE's membership consists of 73 Federal Inspectors General, the Deputy Director for Management, Office of Management and Budget (DDM/OMB), and 5 other integrity related Federal executives. CIGIE's Executive Chairperson is the DDM/OMB, and CIGIE is led by an elected Inspector General member who serves as Chairperson. CIGIE currently employs 6 employees who support the activities and mission of CIGIE.

**I: Steps Taken to Apply the Presumption of Openness**

1. CIGIE received its first FOIA request in FY 2010. During that same period, CIGIE had no-one in direct employ. At that time CIGIE staff operations were being led by the Acting Executive Director, who was employed by the U.S. Department of Agriculture's Office of Inspector General (OIG). Since then, all requests received are handled through this OIG's FOIA Officer using the USDA FOIA regulations. Additionally, CIGIE continues to make discretionary releases when possible and has taken actions to make additional proactive disclosures through postings on the agency's website. CIGIE is familiar with Attorney General Holder's Guidelines on FOIA and has a full understanding of the presumption of openness called for by the President. We are applying this principle in our FOIA processing. As we move forward, we are looking to make discretionary releases when practicable.

- a. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

During FY 2011, CIGIE employed 6 people, none of whom processed FOIA requests.

- b. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

CIGIE does not employ any staff who process FOIA requests, but instead provides incoming requests to USDA OIG's FOIA Officer to process.

- c. Did your agency make any discretionary releases of otherwise exempt information?

Of the 23 requests CIGIE received in 2011, all information provided was released in full without application of any FOIA exemption, with the exception of one request which was partially granted. Therefore, due to the nature of the records requested last year, CIGIE did not have an opportunity to make discretionary releases of otherwise exempt information on more than one request.

- d. What exemptions would have covered the information that was released as a matter of discretion?

Not applicable.

- e. Describe your agency's process to review records to determine whether discretionary releases are possible.

CIGIE's Chief FOIA Officer determines whether to release otherwise exempt records.

- f. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

CIGIE proactively publishes records on its website prior to receiving FOIA requests for the information.

7. Did your agency have an increase in the number of responses where records were released in full and in part?

A comparison of this year's Annual FOIA Report with last year's report, shows that CIGIE received substantially more requests in FY 2011 than in FY 2010. Therefore, CIGIE had more opportunity to release records in full this year.

2010: 2 received, 0 granted in full, 1 partial grant

2011: 23 received, 6 granted in full, 1 partial grant



## II: Steps Taken to Ensure that CIGIE has an Effective System for Responding to Requests

CIGIE's system for responding to requests since 2010 to the present is to forward the request to the USDA OIG's FOIA Officer, along with CIGIE documents relating to the request. Using USDA FOIA regulations, the USDA OIG's FOIA Officer reviews the request and materials and determines whether any of the CIGIE documents are responsive to the request, and what if any FOIA or Privacy Act exemptions are applicable in the release of the responsive records.

CIGIE is presently developing its own FOIA regulations to operate under. However, it will still employ the assistance of another organization to provide the expertise in FOIA and Privacy Act provisions to appropriately process FOIA requests. Although there is limited resources and staff, CIGIE is making efforts to use its webpage to proactively release information.

- a. Do FOIA professionals within your agency have sufficient IT support?

Not applicable; CIGIE does not have any professionals who would require IT support for FOIA processing purposes.

- b. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?

USDA OIG's FOIA Officer frequently interacts with CIGIE's Chief FOIA Officer, often on a weekly basis.

- c. Do your FOIA professionals work with your agency's Open Government Team?

Not applicable; CIGIE does not have an Open Government Team.

- d. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.

CIGIE does not have a backlog of requests or administrative appeals. Most of the requests closed in FY 2011 were processed within the statutory time limit, with an average processing time of 14 days.

- e. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

In 2011, CIGIE entered into an agreement with USDA, OIG to provide FOIA support services to CIGIE.

### III: Steps Taken to Increase Proactive Disclosures

In early 2011, CIGIE developed a FOIA webpage as part of its website. Since then, CIGIE has added an electronic FOIA reading room and has posted numerous records on the site. The webpage provides requesters with information on how to make a FOIA request, if records are not available through current postings on the CIGIE website.

- a. Has your agency added new material to your website since last year?

CIGIE has added new material to its website this year.

- b. Provide examples of the records, datasets, videos, etc., that have been posted this past year.

CIGIE posted data underlying the Fiscal Year 2009 and 2010 Progress Reports to the President.

- c. Describe the system your agency uses to routinely identify records that are appropriate for posting.

CIGIE's Chief FOIA Officer identifies documents appropriate for posting in the agency's FOIA website.

- d. Beyond posting new material, is your agency taking steps to make the 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, providing explanatory material, etc.?

The site provides explanatory material regarding how to make a FOIA request and provides sample forms. The site also provides an email address to submit questions and comments.

- e. Describe any other steps taken to increase proactive disclosures at your agency.

CIGIE will continue to proactively post records on its website and to look for opportunities to release otherwise exempt information in future FOIA requests



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

##### *Electronic receipt of FOIA requests:*

1. Can FOIA requests be made electronically to your agency?

Yes. CIGIE has the capability to receive requests electronically via email at [CIGIE.information@cigie.gov](mailto:CIGIE.information@cigie.gov) and facsimile at (202) 254-0162.

2. If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?

Not applicable.

##### *Online tracking of FOIA requests:*

3. Can a FOIA requester track the status of his/her request electronically?

CIGIE does not electronically track FOIA requests. CIGIE received a very small number of FOIA requests (23) in FY 2011; with the exception of two requests, all requests closed last year were processed within the statutory time limit. Further, CIGIE provides a phone number for requesters to call to check on the status of their requests in all acknowledgment letters and on CIGIE's website.

4. If not, is your agency taking steps to establish this capability?

CIGIE does not see a need for this technology at this time. However, if FOIA requests begin to increase, electronic tracking will be considered.

##### *Use of technology to facilitate processing of requests:*

5. 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?

CIGIE does not see a need at this time to utilize more advanced technology to process requests.

6. If so, describe the technological improvements being made.

Not applicable.

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

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

CIGIE currently uses only one track to process all requests.

- b. If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?

Not applicable.

- 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?

According to CIGIE's 2011 Annual FOIA Report, the average number of days to process all non-expedited requests was 14 days.

2. In FY 2011, CIGIE did not have a backlog of requests or administrative appeals. Further, CIGIE processes most of the requests we receive within the statutory time limit, as shown in our FOIA annual report.

- a. If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?

CIGIE did not have a backlog of requests in 2010 or 2011.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

CIGIE did not have a backlog of administrative appeals in 2010 or 2011.

- c. In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?

CIGIE had only 4 requests pending at the end of FY 2010, and the agency closed all of these in FY 2011.

- d. In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

CIGIE did not have any administrative appeals pending at the end FY 2010.

All agencies should strive to both reduce any existing backlogs or requests and appeals and to improve their timeliness in responding to requests and appeals. Describe the steps your agency is taking to make improvements in those areas. In doing so, answer the following questions and then also include any other steps being taken to reduce backlogs and to improve timeliness.

1. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

At the end of every month, FOIA staff review the FOIA caseload and track the progress of all completed and pending requests. We prepare an internal report documenting the progress on closures and on pending requests each month.

2. Has your agency increased its FOIA staffing?

CIGIE does not have a backlog of FOIA requests and does not see a need to increase FOIA staffing at this time.

3. Has your agency made IT improvements to increase timeliness?

According to CIGIE's 2011 Annual FOIA Report, the average number of days to process all requests was 14 days. In FY 2011, all requests—except for two—were closed within the statutory time limit. CIGIE does not see a need to make IT improvements to increase processing time at present.

4. If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?

Not applicable. To date, CIGIE has not received a consultation from another agency.

#### 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 2011?

No.

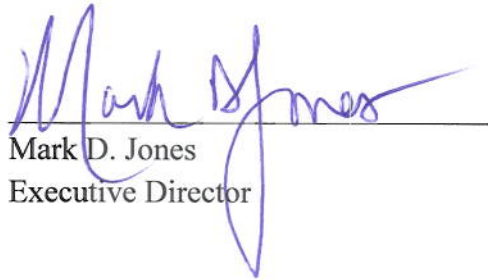


2. If so, what is the total number of times exclusions were invoked?

Not applicable.

### Spotlight on Success

Over the past two years—since CIGIE has received FOIA requests—we have focused on processing requests in an accurate and timely manner. As a result, CIGIE does not have a backlog. Further, we have published numerous records on our website, such as works of the Council, several CIGIE reports and data underlying the Fiscal Year 2009 and 2010 Progress Reports to the President.



Mark D. Jones  
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