



Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

Chief FOIA Officer's Report **February 4, 2013**

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 7 employees who support the activities and mission of CIGIE.

I: Steps Taken to Apply the Presumption of Openness

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 Office. In December 2012, CIGIE published FOIA regulations which provide the procedures under which CIGIE implements the FOIA for all requests and appeals received. 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.

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

During FY 2012, CIGIE employed 7 people, none of whom processed FOIA requests.

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 Office to process.

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

Yes.

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

CIGIE made discretionary releases of content in several requests which was otherwise exempt under 5 U.S.C. 552(b)(5).

4. Provide a narrative description, or some examples of, the types of information your agency released as a matter of discretion.

CIGIE's Chief FOIA Officer reviewed responsive records for requests containing this exemption and determined in several cases to release otherwise exempt deliberative process privileged information.

5. 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.

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 Office, along with CIGIE documents relating to the request. USDA OIG's FOIA Office 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. USDA OIG's FOIA Office uses CIGIE's FOIA regulations, which were promulgated in December 2012, when processing CIGIE FOIA requests and appeals.

1. 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.

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

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

3. Has your agency assessed whether adequate staffing is being devoted to FOIA administration?

For Fiscal Year 2012, CIGIE had a backlog of four requests and two administrative appeals. Most of the requests closed in FY 2012 were processed within the statutory time limit, with an average processing time of 18 days.

In 2012, CIGIE renewed an agreement with USDA, OIG to provide FOIA support services to CIGIE.

4. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, streamlining consultations, eliminating redundancy, etc.

USDA, OIG FOIA Staff create monthly reports for management conveying the number of processed, pending and backlogged CIGIE FOIA requests and appeals. The purpose of these reports is to track efficiency and improve processing performance respecting CIGIE requests and appeals.

III: Steps Taken to Increase Proactive Disclosures

In early 2011, CIGIE developed a FOIA webpage as part of its website. Since then, CIGIE has published FOIA regulations, which are posted on the webpage, along with additional information useful to the public. In addition, CIGIE has posted several records to the FOIA reading room as well as other areas on its website.

1. Provide examples of material that your agency has posted this past year.

CIGIE has added new material to its website this year, such as data underlying the Fiscal Year 2011 Progress Report to the President, a Summary of Inspector General Reports Related to Executive Order 13520 on Improper Payments, a Management Advisory Report on Cybersecurity, and Recommended Practices for OIGs Use of New Media.

2. 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, such as soliciting feedback on the content and presentation

of the posed material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.?

Yes.

3. If so, provide examples of such improvements.

In 2012, CIGIE drafted a FOIA reference guide to provide additional guidance with respect to submitting a request for records or an administrative appeal, and posted it to CIGIE's website.

4. 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 FOIASTAFF@CIGIE.gov and facsimile at (202) 254-0162.

2. If your agency is decentralized, can FOIA requests be made electronically to all components of your agency?

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 small number of FOIA requests (41) in Fiscal Year 2012. 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 so, describe the information that is provided to the requester through the tracking system. List the specific types of information that are available through your agency's tracking system.

Not applicable.

5. In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?

When requested, CIGIE provides FOIA requesters with an estimated completion date in writing. Documentation regarding a status update request is added to the FOIA case file.

6. If your agency does not provide online tracking of requests, 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 continue to increase, electronic tracking will be considered.

Use of technology to facilitate processing of requests:

7. 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 and appeals.

8. 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?

Yes. CIGIE processes requests using a multitrack processing system. There are four processing tracks: An expedited track, if the request qualifies; a simple track for relatively simple requests; a complex track for more complex and lengthy requests; and a remanded track, when a FOIA appeal is granted.

- b. If so, for your agency overall, for Fiscal Year 2012, was the average number of days to process simple requests twenty working days or fewer?

According to CIGIE's 2012 Annual FOIA Report, the average number of days to process simple requests was 18 days.

- 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?

Not applicable.

2.

- a. If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011?

CIGIE did not have a backlog of requests in 2011. At the end of Fiscal Year 2012, CIGIE had a backlog of four requests.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2011?

CIGIE did not have a backlog of administrative appeals in 2011. At the end of Fiscal Year 2012, CIGIE had a backlog of two appeals.

- c. In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011?

CIGIE had only four requests pending at the end of Fiscal Year 2011, and the agency closed all of these in Fiscal Year 2012.

- d. In Fiscal Year 2012, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2011?

CIGIE did not have any administrative appeals pending at the end Fiscal Year 2011.

3. If you answered “no” to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog:

- a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

Yes. In Fiscal Year 2012, CIGIE had a backlog for the first time of four requests. Since CIGIE initially started processing FOIA requests in 2010, the number of incoming requests has steadily increased. For example, in Fiscal Year 2010, CIGIE received two requests; in Fiscal Year 2011, CIGIE received 23 requests; and, in Fiscal Year 2012, CIGIE received 41 requests.

Administrative Appeal Backlog:

- a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

Yes. CIGIE did not receive any appeals in Fiscal Years 2010 or 2011. In Fiscal Year 2013, CIGIE received three appeals.

4. OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information. If your agency had a backlog in Fiscal Year 2012, please provide an estimate of the number of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Though CIGIE had a backlog of four requests and two appeals in Fiscal Year 2012, none of these is voluminous. At least one of the backlogged requests requires a search of multiple locations, however. CIGIE will assess these backlogged requests for appropriate response on an interim basis.

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 2012?

No.

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

Not applicable.

Spotlight on Success

This year, CIGIE has processed more than the total number of requests received in Fiscal Years 2010 and 2011. Further, CIGIE has published FOIA regulations in the Federal Register and has posted a FOIA reference guide on its website. CIGIE has published several records on our website, such as data underlying the Fiscal Year 2011 Progress Report to the President, a Summary of Inspector General Reports Related to Executive Order 13520 on Improper Payments, a Management Advisory Report on Cybersecurity, Recommended Practices for OIGs Use of New Media, and Annual CIGIE Performance Plans for fiscal years 2012 and 2013.

/s/ Mark D. Jones

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