

2018 Chief FOIA Officer Report to the
Attorney General
Office of Science and Technology Policy

Rachael Leonard
Chief FOIA Officer



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I. Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's [FOIA Guidelines](#) is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working 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, OSTP's FOIA personnel attended and also administered FOIA training.

2. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

Topics covered at the FOIA training included: (1) understanding the requirements of a perfected FOIA request; (2) how to conduct an agency records analysis; (3) requirements for conducting an adequate search; (4) overview of exemptions and the presumption of openness; and (5) the administrative appeal process. Aside from the training attended by OSTP's FOIA personnel, OSTP also ensures that all FOIA professionals have adequate training resources available to them so that they maintain FOIA knowledge current with the state of the law. OSTP's FOIA professionals subscribe to the Department of Justice, Office of Information Policy email list, which provides notice of substantive FOIA training so that all FOIA professionals are made aware of FOIA training opportunities. OSTP also ensures that all agency FOIA professionals receive internal training on electronic document processing and administrative systems.

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.

N/A

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?

Yes. OSTP routinely engages with requesters regarding their requests and on how to provide quality customer service when processing and responding to requests. In addition, OSTP had dedicated Open Government staff who engage with open government and transparency groups.

C. Other Initiatives

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

To ensure that all OSTP personnel are knowledgeable of the presumption of openness, every OSTP employee receives a basic overview of relevant FOIA responsibilities and their roles and responsibilities as records custodians under the Federal Records Act (FRA) and the Freedom of Information Act (FOIA) as part of their orientation training upon beginning official duty with OSTP. In Fiscal Year 2017, OSTP continued to distribute OIP's FOIA infographic into the agency's onboarding materials for new employees. OSTP now provides this one-page infographic as a resource on FOIA basics for all new employees upon their arrival at OSTP.

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.

N/A

II. Steps Taken to Ensure that OSTP has an Effective System in Place for Responding to Requests

DOJ's [FOIA Guidelines](#) emphasize that "[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." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

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.

In Fiscal Year 2017, the average number of days for adjudicating requests for expedited processing was 6.25 days.

- 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.**

N/A

- 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.**

OSTP did conduct a self-assessment using active workflows and updating its processing procedures. The primary change came in the way of developing an electronic folder system to more easily track each request from inception to close and to allow for more efficient processing.

- 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).**

There have been no requesters who have sought assistance from OSTP's FOIA Public Liaison. Despite this, OSTP regularly engages with requesters through email and telephone to discuss request parameters, to provide updates to requests, and to otherwise assist requesters in understanding the materials provided through their FOIA request.

- 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.**
- 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.**

As mentioned above, OSTP has updated its filing procedures to ensure that each FOIA request contains a detailed record of all search and review protocols taken for the particular request; that all located and reviewed records are properly stored and filed; and that each request is processed as efficiently as possible and prepared for the possibility of appeal. Aside from this, every FOIA request is logged when received and relevant employees are contacted within a day of receiving the request and notified of their search responsibilities. Any located records are sorted and reviewed for responsiveness and applicable exemptions. Responsive, non-exempt records are then provided to the requester.

In Fiscal Year 2017, OSTP reviewed and updated its standard FOIA correspondence so as to provide additional explanations to requesters regarding applied exemptions and continued to include necessary language required by the FOIA Improvements Act of 2016.

III. Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

OSTP is a small agency and does not frequently receive multiple requests for the same records. Should records become “frequently requested,” the FOIA professionals work with the Communications Office to post those records in the agency’s online reading room located at <https://www.whitehouse.gov/ostp/legal/>. OSTP also proactively placed copies of all OSTP and National Science and Technology Council (NSTC) reports online as demonstrated at www.whitehouse.gov/ostp/documents-and-reports/.

Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

OSTP is a component of the Executive Office of the President (EOP). All publicized announcements and important proactive disclosures, like those associated with Executive Orders, Presidential Memoranda or Directives are coordinated throughout the EOP and posted to www.whitehouse.gov/news/. In addition, OSTP works with its Communications Office to post copies of OSTP or National Science and Technology Council (NSTC) reports online as demonstrated at www.whitehouse.gov/ostp/documents-and-reports/.

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?

Following the change in Administrations on January 20, 2017, the White House and EOP completely restructured, reformatted, and updated Whitehouse.gov to provide an overall better experience and interface. The new site makes it easier for the American public to understand the new Administration’s policies and initiatives towards improving the Federal government and the Nation as a whole. The new website includes streamlined webpages for each of the EOP components that makes it easier for citizens to find information related to specific policy interests.

If yes, please provide examples of such improvements.

The OSTP website, located at www.whitehouse.gov/ostp/ contains easy to locate links to the agency’s reading room at www.whitehouse.gov/ostp/legal/, as well as to a repository to all publications issued by OSTP and the NSTC at www.whitehouse.gov/ostp/documents-and-reports/.

OSTP also provides materials to the public to improve their understanding of the FOIA process. For instance, OSTP has posted helpful documents including a handbook that compiled existing FOIA information into a single, handy reference document. This FOIA Reference Guide includes pertinent information such as the FOIA Memorandum and the Department of Justice's FOIA Guidelines, the Chief of Staff's FOIA Memorandum, OSTP's FOIA regulations, and a link to the Department of Justice, Office of Information Policy's guidelines. These documents aid the staff and the public to provide additional information on Federal activities and FOIA policies.

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?

N/A

IV. Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

- 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.**

The Office of Administration (OA), a component of the EOP, administers the email servers on behalf of the entire EOP. OA uses a software program that, after performing searches of the email server, automatically sorts and de-duplicates documents. The program also identifies and shows the user where each search term was found within each searched document and allows the user to seamlessly sort the documents based on date, user, or relationship to other documents. From there, users can easily determine whether located documents are responsive to the request. Implementing this software has made processing requests incredibly more efficient by streamlining the search process and cutting down the amount of time it takes to perform initial reviews of documents.

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

OSTP was unable to timely post all of its quarterly reports for Fiscal Year 2017 because of the efforts being made to upgrade the White House website. OSTP expects that each of those reports will be online within the next few weeks.

- 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.**

As explained above, OSTP was unable to timely post its quarterly reports because of the efforts being made to upgrade the White House website. With those changes now complete, OSTP does not anticipate additional hurdles to placing the reports online.

- 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.**

OSTP is working to get both the raw data from Fiscal Year 2016 and 2017 posted as soon as possible.

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

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

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2017 Annual FOIA Report and, when applicable, your agency's 2016 Annual FOIA Report.

A. Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

- 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?**

The average number of days to process a simple request was 24 days.

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

84.40% of processed requests were placed in OSTP's simple track.

- 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?**

N/A

B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

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?**

No.

- 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:**

OSTP was unable to reduce its backlog primarily because there was an 86% increase in the number of incoming FOIA requests. In Fiscal Year 2016, OSTP received 71 FOIA requests. That number increased to 132 in Fiscal Year 2017. Despite the large increase in requests, OSTP was still able to sizably increase the number of requests it processed. After processing only 64 requests in Fiscal Year 2016, OSTP processed and closed 109 requests in Fiscal Year 2017. This was a 70% increase in the number of processed requests. With the rise in productivity, OSTP was able to limit the growth of its backlog to only 5 additional requests.

- 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.**

The percentage of requests that make up the backlog out of the total number of requests received by the agency is 16.67%.

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?

N/A

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:

- a. An increase in the number of incoming appeals.**
- b. A loss of staff.**
- c. 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.**
- d. 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 you 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?

N/A

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?

N/A

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

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA

Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

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.

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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?

None were withdrawn.

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?

N/A

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.

N/A

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?

N/A

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.

N/A

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.

OSTP is a small agency that is normally staffed with one full time FOIA professional. During this Fiscal Year, OSTP received 109 requests, which as mentioned earlier, was an 86% increase from the previous year. The large influx of new requests and the complexity of the older requests made it difficult to close out the 10 oldest requests.

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.

N/A

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.

OSTP will continue to prioritize its oldest pending requests and communicate with requesters frequently regarding the status of 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.

OSTP is very proud of how it maximized its productivity in the face of a large increase in requests. Despite receiving an 86% total increase in the number of requests, OSTP’s backlog only grew by five requests. This is a testament to the hard work of OSTP’s FOIA and legal team in efficiently taking in requests, processing documents, and providing quality responses to the American public. It should be noted, that despite this increase in requests and responses from OSTP, the agency also received one less appeal than it did in the previous year. This indicates that even with the large increase, OSTP is adequately meeting requester needs and satisfying the statute’s requirements.