Chief FOIA Officer Report

for

The Corporation for National and Community Service

March 11, 2013

Corporation for
NATIONAL & COMMUNITY SERVICE

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Section 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.

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.

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

   CNCS did not conduct an agency FOIA conference. All FOIA requests are processed within the Office of General Counsel except for requests for information from the Office of the Inspector General (OIG). Those requests are processed by the OIG. All offices are reminded that they must produce all potentially responsive documents for review when they are tasked to conduct record searches. All FOIA personnel are aware of the presumption of openness.

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

   FOIA personnel attended Department of Justice FOIA updates in 2012. In addition, FOIA personnel participated in the American Society of Access Professionals' training and luncheon events.

   In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

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

   Yes, CNCS made discretionary releases.

   In addition, CNCS continued to increase the information available to the public on the organizations and programs that it funds. Our public website contains profiles for each state, the District of Columbia, and Puerto Rico that identify not only the names of our grantees, the number of program participants, and the amount of CNCS funding, but the profiles also include information on the number of nonprofits and communities served, the number of hours of

service performed, examples of the services provided, and the value of that service. This month CNCS will release a list approximately 70,000 locations where our program participants serve.

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

   Exemption 5 would have covered the information.

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

   CNCS released internal panel discussion reports from a recent grant competition. Summaries of external peer review comments are made available under our open government initiative, but internal staff review reports generally have been withheld as deliberative process materials.

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

   We did not undertake any other initiatives.

Section 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."

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.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. 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.

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

   CNCS FOIA professionals are fully supported with an IT department that ensures the internet and email systems are functioning properly. They are available and responsive with technical support on issues that might delay FOIA processing.

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

   The Chief FOIA Officer or her designee serves as a member of the agency's Open Government Council when it convenes. FOIA staff consults with staff in other offices working on specific open government projects.

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

   FOIA staffing suffered due to personnel attrition during this reporting period. Staffing shortages are being filled through reassignment and recruitment.

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.

   Search requests are transmitted electronically. Offices are encouraged to provide responsive documents in electronic format. Most FOIA responses are provided to requesters in electronic format.

Section 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 both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2012 to March 2013). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

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

   Results of Grant Competitions
   This tool displays information pertaining to the CNCS grant application review process, including a list of compliant applications submitted to CNCS, executive summaries for compliant applications, and the list of successful applicants.

   Detailed CNCS Competitive Grant Application Review Process
   CNCS Forecast of Funding Opportunities – Fiscal Year 2013
   Social Innovation Fund 2012 External Peer Review Participants
   Social Innovation Fund 2012 External Peer Review Forms
   AmeriCorps State and National 2011 External Peer Review Participants
   AmeriCorps State and National 2011 External Peer Review Form

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

   CNCS has a robust social media communications platform that includes the dissemination of information about our NOFA/NOFOs, CEO travel and meetings, CNCS priorities, CNCS events, grantee site visits, and more.

3. If so, provide examples of such improvements.

   CNCS documented its response to Hurricane Sandy by posting information on its website about our immediate response including interviews with our service participants who responded. The page included links to additional information for those who wanted to respond to the disaster

and links for those who needed help. Anyone interested in following our response to disasters could sign up for email updates from our Disaster Services Unit or follow on Twitter.

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

For the first time, CNCS posted a Report on FY 2012 Conference Activities, a quarterly FOIA report, and a Plain Writing Act Compliance report.

Section 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 and 2011, agencies reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2013, as we did in 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.

Electronic receipt of FOIA requests:

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

   FOIA requests may be submitted by email to foia@cns.gov or by fax to the FOIA Requester Center which resides in the Office of General Counsel.

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

   Our FOIA program is centralized.

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

   A requester can ask for an update on the status of his/her request by email to foia@cns.gov. CNCS does not have an online tracking system.

4. If so, describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review. "List the specific types of information that are available through your agency's tracking system.

   CNCS does not use a tracking system that is available to the requester.

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

   NA

6. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability?

Due to the relatively small number of annual requests, investment in an online tracking system is not economically viable.

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?

   CNCS is making an initial investment in a document sharing platform. We will consider the use of that platform once new FOIA personnel are on board.

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

   NA

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

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section 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 and appeals. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2012 Annual FOIA Report.*

1. 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. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

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

   Yes.

   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?

   No.

   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?

   NA

2. Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals

from Fiscal Year 2012 as compared to Fiscal Year 2011. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2011 and Fiscal Year 2012 should be used for this section.

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?

No. The FOIA Officer position was vacant for the last four months of the fiscal year. Those duties had to be performed by another staff member who had other significant responsibilities.

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

No. At the end of Fiscal Year 2011, CNCS had no administrative appeals pending or backlogged. At the end of Fiscal Year 2012, there was one administrative appeal backlogged.

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

CNCS only had four backlogged reports pending at the end of Fiscal Year 2011. Three of those requests were closed during 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?

There were no administrative appeals pending as of the end of 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?

      No

   b. Was the lack of a reduction in the request backlog caused by a loss of staff?

      Yes

   c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

      Yes

   d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

      No other causes were identified.

4. 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?

   NA

   b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

   Yes.

   c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

   NA

   d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

   NA

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.

   CNCS provided a substantive interim response in one request during Fiscal Year 2012.

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 was the total number of times exclusions were invoked?

   NA

Spotlight on Success

Out of all the activities undertaken by your agency since March 2012 to increase transparency and improve FOIA administration, describe here 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.

In accordance with our Open Government goals, CNCS has developed a new data set called "Service Location Reports" which will be made available to stakeholders and the public for the first time through the agency's website in March 2013. These build on the "State Profiles" reports that CNCS has provided to the public for more than a decade, but significantly enhance the previous offerings by providing new information that has been requested by the public in the past, including through FOIA requests. Service Location reports will list the site or service location of all national service participants (Senior Corps and AmeriCorps, including VISTA, State/National, and NCCC deployments) in a state, organized alphabetically by city. The reports will be searchable, so members of the public, the news media, or other stakeholders can quickly and easily find out the location of national service members in their state, including the organization they serve with. Previously this information was not available to the public unless requested by FOIA.