

CNCS 2016 Chief FOIA Officer Report

Name and Title of your Agency's Chief FOIA Officer:

Jeremy Joseph

General Counsel

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's **FOIA Memorandum** and the Attorney General's **2009 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.

FOIA Training:

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

- *Such training or events can include offerings from OIP, your own agency or another agency or organization.*

CNCS's FOIA Officer attended ASAP's FOIA and Privacy conference in July 2015 and The Freedom of Information Act for Attorneys and Access Professionals training in November 2015.

2. 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%. CNCS has one FOIA Officer, and she attended training offered by ASAP and DOJ, per the response under question #1.

*3. 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

Discretionary Releases:

4. Does your agency have a distinct process or system in place to review records for discretionary release?

If so, please briefly describe this process.

The FOIA officer consults with members of the CNCS staff who have expertise regarding the material the agency is considering for discretionary release. They advise the FOIA officer about whether there is or is not foreseeable harm resulting from release.

- *If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?*

N/A

5. During the reporting period, did your agency make any discretionary releases of information?

Yes.

6. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance on *implementing the President's and Attorney General's 2009 FOIA Memoranda*.

Exemption (b)(5).

7. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

We released one record on a discretionary basis: the draft version of a conflict of interest and privacy statement for review panel members for one of CNCS's grant programs.

8. If your agency was not able to make any discretionary releases of information, please explain why. For example, you should note here if your agency did not have an opportunity to make discretionary disclosures because you provided full releases in response to all requests or the only exemptions that were applied were those that do not lend themselves to discretionary release (i.e. Exemptions 1, 3, 4, 6, 7A, 7B, 7C, 7F).

N/A

Other Initiatives:

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

- *If any of these initiatives are online, please provide links in your description.*

Our [Evidence Exchange](#) page is a digital repository of research, evaluation reports, and data focusing on national service, social innovation, civic engagement, and volunteering. It includes a link to CNCS's [2015 Research Summit](#) with audio recordings, presentation slides, and session notes. CNCS posts this information "to provide our grantees, our partners and, most importantly, communities across America easy access to this information."

We post [state profiles](#) with detailed information about CNCS-related work in each state. Each state's page includes an archive of reports that goes back 10 years.

CNCS has established a policy that directs our grant programs to publish on our web site [extensive information](#) about our grant competitions. This includes, for example, an annual forecast of grant competitions, an agency-wide description of the our review and selection process, blank external review worksheets, summaries of feedback to applicants, executive summaries of all submitted applications, and the actual application (minus budget data) for every successful applicant.

CNCS uses an email subscription service to keep people up to date with information about the agency.

Our website has a [media page](#) with links to press releases, media advisories, mission-related Presidential proclamations, official statements, and news clips.

CNCS posts to Twitter ([@nationalservice](#), [@americorps](#), [@servedotgov](#)) and [Facebook](#) with information about the agency that the public has told us it wants to hear. For example, we post and tweet the winners of grant competitions winners, and the work of our disaster response teams announcements of Notices of Funding Availability/Opportunity with links to the documents.

We [blog](#) about all of our programs, how we're fulfilling our mission, and the activities of our CEO and program directors.

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

The Attorney General's [2009 FOIA Guidelines](#) emphasized 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 that describes your agency's efforts in this area.

Processing Procedures:

1. For Fiscal Year 2015, 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 2015 Annual FOIA Report.

- Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2015.*

CNCS did not adjudicate any requests for expedited processing in FY 2015.

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. On July 2, 2015, OIP issued **new guidance** to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.*

Since DOJ issued the new guidance, CNCS has had one occasion to send a "still interested" inquiry, and did so according to the new guidance. CNCS's FOIA officer is aware of and follows DOJ's new guidance for "still interested" requests.

Requester Services:

4. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

- If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here.*

FOIA demand at CNCS is low enough (approximately 50-65 requests per year) that it does not need a FOIA Requester Service Center. The FOIA officer has been able to handle the small number of questions posed by requesters about process or the status of a request.

Other Initiatives:

5. If there are 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, eliminating redundancy, etc., please describe them here.

It is a small enough program that size itself creates efficiency. The FOIA officer and the attorney who advises most regularly on FOIA issues discuss program operations on an on-going basis.

Section III: Steps Taken to Increase Proactive Disclosures

Both the **President's** and **Attorney General's** FOIA memoranda 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.

Posting Material:

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

The FOIA official monitors the FOIA log.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

- Please note that this question is directed towards proactive disclosure of records that go beyond frequently requested records required to be posted under Subsection (a)(2) of the FOIA.*

Three processes drive the public posting of agency information and records:

Generally, CNCS's decisions about public disclosure are made by, and in coordination with, our Office of External Affairs (OEA), the Office of the General Counsel (in which FOIA operations reside) and our other offices. OEA consults with the grant program and grant operations directors, the Office of Government Relations, the Office of Research and Evaluation, and senior advisors to the CEO to discuss posting material to our website and releasing information via social media.

OEA, which includes our digital and social media teams, routinely receives and seeks input from our state offices, the state service commissions, and grantees about information they would like us to make publicly available.

[Program offices](#) (for example, AmeriCorps VISTA or the Social Innovation Fund) are asked to continually monitor their online materials to keep them current and as generous as possible.

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.

- Please note that this question is directed at the efforts of actually posting the records online once all disclosure determinations have been made. For example, efforts to load the records in your web content platform or making the releasable documents accessible in compliance with Section 508 of the Rehabilitation Act.*

CNCS's Office of External Affairs and its program offices do most of the agency's public record disclosure. The programs post extensive materials on their pages on our website, and they are responsible for Section 508 compliance. To date, it takes minimal time – approximately a half hour per month – to post FOIA information with Section 508 compliance.

4. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

No.

5. If so, please briefly explain those challenges.

N/A

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

[CNCS's 2016 Engagement Plan](#)

[Written Testimony of CEO Wendy Spencer on the President's Fiscal Year 2016 Budget Request](#)

[CNCS Forecast of Funding Opportunities FY 2016](#)

[Social Innovation Fund Classic 2015 External Peer Review Participants](#)

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

- *For example, this can be done through social media or with the offering of e-mail subscription services.*

CNCS uses Twitter ([@nationalservice](#), [@americorps](#), [@servedotgov](#), [@WendyCNCS](#) [our CEO]), [Facebook](#), [Instagram](#), a Tumblr [blog](#), an RSS feed, a [YouTube channel](#), and email subscription services.

Other Initiatives:

8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

The [Knowledge Network](#) link on [www.nationalservice.gov](#) takes users to CNCS's extensive library of resources about service in the context of the agency's six priority areas.

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.

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.

Making Material Posted Online More Usable:

1. Beyond posting new material, is your agency taking steps to make the posted information more useable to the public, especially to the community of individuals who regularly access your agency's website?

- *Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.*

Yes.

2. If yes, please provide examples of such improvements.

- *If your agency is already posting material in its most useful format, please describe these efforts.*

CNCS already posts material in its most useful format:

For example, we post fact sheets in both 508-compliant PDFs and in HTML format.

Our external website (www.nationalservice.gov) is open format regardless of disability/accessibility needs. It is also mobile app compliant through responsive design (that is, it notes the kind device a reader is using and accordingly).

Use of Technology to Facilitate Processing of Requests:

Not required, but agencies may answer the questions for this section from the [high-volume guidelines](#) if they have information they would like to include.

Other Initiatives:

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

- Please see OIP's [guidance](#) for posting of quarterly reports to ensure that your agency is following all required steps (including using the correct file type and URL structure) so that your quarterly reports are properly appearing on FOIA.gov. (If your reports are posted to your website, but not appearing on FOIA.gov, please contact OIP in order to resolve the issue.)*

Yes, CNCS successfully posted all quarterly reports on time.

4. 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 2016.

N/A

5. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? See OIP Guidance, "[The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications](#)." (Nov. 22, 2013) If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

Yes. CNCS uses email to receive and acknowledge requests, provide updates, and send our responses, so long as the size of the document files is small enough to go through email. We have a dedicated FOIA email address (foia@cns.gov) that is posted on the FOIA page of www.nationalservice.gov.

6. If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations? See [id.](#)

N/A

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

The President's **FOIA Memorandum** and the Attorney General's **2009 FOIA Guidelines** have 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 2015 Annual FOIA Report and, when applicable, your agency's 2014 Annual FOIA Report.

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 2015, was the average number of days to process simple requests twenty working days or fewer?

Yes – average of 8 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

57%

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

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 2014 and Fiscal Year 2015 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 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?*

CNCS had no backlog at the end of FY 2015, which was a decrease from FY 2014.

6. *If not, explain why and describe the causes that contributed to your agency not being able 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.*

N/A

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 2015.*

- *To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of requests received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.*

N/A. CNCS did not have a backlog.

BACKLOGGED APPEALS

8. *If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?*

CNCS did not have a backlog of appeals in either FY 2014 or FY 2015.

9. *If not, explain why and describe the causes that contributed to your agency not being able reduce 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.*

N/A.

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 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with "N/A."

- *To calculate your agency's percentage, you must divide the number of backlogged appeals reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of appeals received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.*

N/A

Backlog Reduction Plans:

Not required, but agencies may answer the questions for this section from the [high-volume guidelines](#) if they have information they would like to include.

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 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

11. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Yes.

12. 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 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed six of them, you should note that you closed six out of seven "oldest" requests.

N/A

13. Of the requests your agency was able to close in FY 2015 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?

Three of the backlogged requests we closed in FY 2015 were withdrawn. We provided interim responses for two of those requests.

TEN OLDEST APPEALS

14. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

CNCS had no appeals pending at the close of FY 2014.

15. 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 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

- For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C (5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.

N/A

TEN OLDEST CONSULTATIONS

16. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

CNCS did not have any pending consultations at the end of FY 2014.

17. 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 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

- For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.

N/A

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.

We did not encounter any obstacles to closing the oldest pending requests. We did not have any pending appeals or consultations.

19. 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

20. 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 2016.

N/A

Interim Responses:

Not required, but agencies may answer the questions for this section from the *high-volume guidelines* if they have information they would like to include.

Use of the FOIA's Law Enforcement Exclusions

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?

No.

2. If so, please provide the total number of times exclusions were invoked.

N/A

Success Story

Not required, but agencies may answer the questions for this section from the *high-volume guidelines* if they have information they would like to include.

CNCS received 30% fewer FOIA requests in FY 2015 than we did in FY 2014. We believe at least part of the reason for that reduction is the excellent work across the agency, and especially by our Office of External Affairs and our program offices, to find out what the

public would like to know and have access to and then make that information easily available in a wide variety of formats and platforms.