

Chief FOIA Officer Report

for
The Corporation for National and Community Service

Corporation for
**NATIONAL &
COMMUNITY
SERVICE** ★★ ★



2014

Time frame for 2014 Chief FOIA Officer Reports

Unless otherwise noted, your 2014 Chief FOIA Officer Report should address agency activities that have occurred since the filing of last year's Report, which was March 11, 2013, up until the filing of the 2014 Report, which will be March 10, 2014. Thus, the general reporting period for the Chief FOIA Officer Reports is March 2013 to March 2014.

Content of 2014 Chief FOIA Officer Reports

Name of agency:

Corporation for National and Community Service

Name and Title of agency Chief FOIA Officer:

Valerie Green, 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 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.

FOIA Training:

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

Answer: *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.*

2. If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.

Answer: *N/A*

3. Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice?

Answer: *Two of CNCS's FOIA professionals attended the training held at the Department of Justice that addressed preparation of the Annual FOIA report and attended the USDOJ FOIA training on February 25-26, 2014.*

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

Answer: 66% (2 out of 3)

5. OIP has issued guidance that [every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year](#). Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.

Answer: *At least one of CNCS's FOIA professionals will attend the annual FOIA training that we anticipate the Department of Justice will conduct in late February 2015. CNCS receives the regular FOIA emails and updates and thereby can plan to attend any other relevant workshops that DOJ offers. CNCS will review other training opportunities based on availability of funding.*

Outreach:

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA? If so, please briefly discuss that engagement.

Answer: *CNCS did not conduct formal outreach to the requester community regarding FOIA administration. However, we engage quickly and often with our requesters regarding clarification and processing issues.*

Discretionary Disclosures:

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.

7. Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.

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

8. During the reporting period did your agency make any discretionary releases of otherwise exempt information?

Answer: *Yes.*

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

Answer: *Exemption 5.*

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

Answer: *CNCS released an internal panel discussion report from a grant competition. We make summaries of external peer review comments available under our open government initiative, but internal staff review reports are generally withheld as deliberative process materials.*

11. If your agency was not able to make any discretionary releases of information, please explain why.

Answer: *N/A*

Other Initiatives:

12. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.

Answer: *Yes, CNCS posted all of the FY2013 Quarterly Reports on its public website.*

13. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.

Answer: *During this reporting period, CNCS decided to release as a matter of course grant applications that contain applicants' responses to CNCS's clarification questions. CNCS had previously considered this version of applications to be pre-decisional, because they obliquely revealed the application review team's deliberations. The "clarification version" of grant applications is more detailed, and provides requesters with more information than versions we previously released.*

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." It is essential that agencies effectively manage their FOIA program.

Describe here the steps your agency has taken to ensure that your management of your FOIA program 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.

Personnel:

During Sunshine Week 2012 OPM announced the creation of a new job series entitled the Government Information Series, to address the work performed by FOIA and Privacy Act professionals. Creation of this distinct job series was a key element in recognizing the professional nature of their work.

1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?

Answer: No.

2. If not, what proportion of personnel has been converted to the new job series?

Answer: None.

3. If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

Answer: *None of CNCS's FOIA professionals deal exclusively with FOIA, so the agency made a decision not to convert the FOIA professionals to the Government Information Specialist series. Two staff members primarily handle other legal work, and the staff member who handles the majority of FOIA work at CNCS is the Law Officer Manager, and has a range of non-FOIA responsibilities.*

Processing Procedures:

4. For Fiscal Year 2013 did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Answer: Yes.

5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations. If so, please describe those steps.

Answer: *CNCS has not taken any such steps, because we rarely receive consultations or referrals from other agencies. In FY 2013, we received none.*

Requester Services:

6. Do you use e-mail or other electronic means to communicate with requesters when feasible?

Answer: *Yes. E-mail is our primary means of communicating with FOIA requesters, and we have a dedicated FOIA email address.*

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

Answer: *Yes. Notification of these services is a standard paragraph in our response letters.*

8. 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, eliminating redundancy, etc.

Answer: *The FOIA staff began holding daily meetings to discuss the progress of requests so that responses can be sent to requesters as quickly as possible. CNCS's FOIA staff is so small*

(one person handles most of the work, and consults with two of our attorneys) that efficiency is primarily a matter of individual organization. Our files and our tracking system are well-ordered and maintained daily, which supports efficient processing.

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 2013 to March 2014). 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.

Posting Material:

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures?

Answer: *CNCS's FOIA professionals make these decisions informally. Our annual request numbers are so small (in the range of 50-65) that it is a straightforward matter to pay attention to patterns of interest from the public.*

The bulk of CNCS's public disclosure is accomplished through close coordination between our Office of External Affairs (OEA) and other offices. OEA meets frequently with the grant program 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. Please see the more detailed answer under #8.

2. If so, describe the system that is in place.

Answer: *N/A*

3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

Answer: *CNCS posted more-detailed state service profiles than we have in the past. Our website now lists every service location in every state. This constitutes hundreds of pages of detailed information, but the information is organized in a way that is easy to search and read. We know that elected officials, the media, state service commissions, our partners, and the general public all use these profiles. CNCS also enhanced the grantee and program information that we post. For example, we now show the matching dollars for our grants, we list all the assignments and deployment dates for our National Civilian Community Corps, and our state at-a-glance profiles provide detailed endnotes about the data contained in them.*

Here is an example of a state service profile. It contains sub-links to the various kinds of data noted above: <http://www.nationalservice.gov/impact-our-nation/state-profiles/ca>

We made it easier to find our research and reports, by creating a dedicated link to them: <http://www.nationalservice.gov/impact-our-nation/research-and-reports>

Making Posted Material More Useful:

4. 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 posted material, improving search capabilities on the site, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.?

Answer: *Yes. CNCS re-launched the entirety of both of our public websites (nationalservice.gov and serve.gov) this past summer. Before the launch, we solicited feedback from the public using the "feature wall" on both nationalservice.gov and on serve.gov. We had an open comment period for nationalservice.gov from April 1-May 6, 2013 and on serve.gov from June 1-July 10, 2013.*

Regarding improved search capabilities, when we revised the websites, we switched our search mechanism from a Google-based search function to USASearch. The website for USASearch says that it is "a hosted site search service provided by the Office of Citizen Services and Innovative Technologies, U.S. General Services Administration. You can use USASearch to power the search box on your federal, state, local, tribal, or territorial government website—at no cost." It is designed to improve the search process for the members of the public when they use government websites.

All of the content on CNCS's websites is posted in open format.

CNCS does not have a mobile app, but our sites are designed to work on mobile devices.

5. If so, provide examples of such improvements.

Answer: *In June 2013, CNCS deployed two entirely new websites that are better organized and less cluttered than the older versions. It is much easier now for the public to find information about CNCS, our policies, how we use appropriated funds, and what our grant programs are doing. For instance, as noted in Section 3, question 3 above, CNCS added to the already-existing state profiles a comprehensive list of service locations for every state.*

When CNCS launched the new websites, we also changed the way material is published on them. Previously, any modification to existing information, and all posting of new information, was carried out by a small team of IT media specialists. Sending every request for website posting or modification through this narrow funnel slowed down the process of keeping the sites current, became a disincentive to grant program staff and others to regularly update the sections of the websites for which they maintained the content, and created an "out of sight, out of mind" mentality that kept outdated material on the sites. When the new websites launched, all of this changed.

In the summer of 2013, CNCS's media team trained each office at the agency in how to use the new site's software. Each office can now keep its material up to date and has a mandate to do so. This has allowed us to be more nimbly responsive to our audiences' needs, or our own interests in making information available.

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?

Answer: *CNCS conducted conference calls to introduce our state service commissions to the new website and all the new data on it. We routinely announce information about our programs, events, grant funding availability, major initiatives, and research results in press*

releases and through GovDelivery. We also disseminate information and seek feedback via our blog, a strong Facebook and Twitter presence, and Flickr and YouTube sites. Here is a link to our social media resources: <http://www.nationalservice.gov/newsroom/social-media>.

7. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are.

Answer: *Posting the results of grant competitions requires coordination amongst several CNCS offices while they are in the midst of running further grant competitions. This slows down the process of posting grantee award information for some of CNCS's competitions. Program and grant policy/operation staff are working to resolve the backlog. They have been responsive to posting the data for a given competition when we have a FOIA request for it.*

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

Answer: *Our CEO, Wendy Spencer, has charged CNCS's senior staff to constantly think of ways the agency can improve its communication with the public. Ms. Spencer uses every agency-wide staff meeting to promote a culture of transparency and information-sharing, and leads by example as she tweets, writes blog posts, and actively encourages agency communication initiatives. Here is a sample blog post in which Ms. Spencer promotes a key CNCS initiative, the Martin Luther King, Jr. Day of Service: <http://www.nationalservice.gov/blogs/2014-01-17/mlk-day-2014-start-year-citizen-action>*

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. Over the past several years agencies have reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2014, as we have done over the past years, the questions have been further refined and now also address different, more innovative aspects of technology use.

Online tracking of FOIA requests:

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

Answer: *They can make requests by email, but we do not have an online tracking system.*

2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?

Answer: *N/A*

3. 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.

Answer: *N/A. CNCS provides this information through email communication that we send directly to requesters, either proactively or as a response to their request.*

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

Answer: *N/A*

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

Answer: *No. We give same-day (often same-hour) responses when requesters ask about the status of their request. We also proactively contact requesters to update them on status.*

Use of technology to facilitate processing of requests:

6. 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?

Answer: *No. Because CNCS receives a small number of FOIA requests each year (approximately 50-65), it is not cost-effective for us to invest in these kinds of advanced technology.*

If so, describe the technological improvements being made.

Answer: *N/A*

7. Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?

Answer: *Not at this time.*

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing 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, appeals, and consultations. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2013 Annual FOIA Report and, when applicable, your agency's 2012 Annual FOIA Report.*

Simple Track Requests:

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.

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

Answer: Yes

- b. If so, for your agency overall, for Fiscal Year 2013, was the average number of days to process simple requests twenty working days or fewer?

Answer: No, the average was 45; the median was 22. We note, however, that for the first six months of FY 2013, we had a severe personnel shortage. In the second half of FY 2013, when the vacant staff position was filled, the average rate of response to simple requests was 16 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?

Answer: N/A

Backlogs and "Ten Oldest" Requests, Appeals and Consultations:

2. 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. 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 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.

Backlogs

- a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?

Answer: Yes. In FY2012, our backlog was 11; at the end of FY2013 it was 4.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?

Answer: Yes. There was one backlogged administrative appeal at the end of FY2012; there were none at the end of FY2013.

Ten Oldest Requests

- c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?

Answer: Yes.

- d. 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 2012 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 two of them, you should note that you closed two out of seven "oldest" requests.

Answer: N/A

Ten Oldest Appeals

- e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?

Answer: *Yes.*

- f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.

Answer: *N/A*

Ten Oldest Consultations

- g. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?

Answer: *We did not have any consultations received from other agencies.*

- h. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2012 Annual FOIA Report.

Answer: *N/A*

Reasons for Any Backlogs:

3. If you answered “no” to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:

Request and/or Appeal Backlog

- a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?

Answer: *N/A*

- b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff?

Answer: *N/A*

- c. Was the lack of a reduction in the request and/or appeal backlog caused by an increase in the complexity of the requests received?

Answer: *N/A*

- d. What other causes, if any, contributed to the lack of a decrease in the request and/or appeal backlog?

Answer: *N/A*

“Ten oldest” Not Closed

- e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.

Answer: *All of FY2012's requests were closed.*

- f. If your agency was unable to close any of its ten oldest requests or appeals 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.

Answer: *N/A*

Plans for Closing of Ten Oldest Pending Requests, Appeals, and Consultations and Reducing Backlogs:

Given the importance of these milestones, it is critical that Chief FOIA Officers assess the causes for not achieving success and create plans to address them.

4. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2014.

Answer: *N/A*

5. If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency's plan for achieving backlog reduction in the year ahead.

Answer: *N/A*

Interim Responses:

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.

6. Does your agency have a system in place to provide interim responses to requesters when appropriate?

Answer: *Yes. It would be imprecise to say CNCS has a system for providing interim responses, since it is essentially a matter of our primary FOIA staff person paying attention and sending out material as it becomes available, reviewed, and ready. But we do send out interim responses when the volume of material, the difficulty in getting it, or both, slow down the response process.*

7. If your agency had a backlog in Fiscal Year 2013, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Answer: *25%. There were four cases backlogged at the end of FY2013. We sent interim responses for one of the cases. Of the remaining three, one case was on consultation, one was involved in litigation, and one was backlogged for only 17 days before we sent the complete response.*

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 2013?

Answer: *No.*

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

Answer: *N/A*

Spotlight on Success

Out of all the activities undertaken by your agency since March 2013 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, these agency **success stories** will be highlighted during Sunshine Week by OIP. 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 a key achievement. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Answer:

- *As a direct result of filling a vacant position, CNCS cleared all FY2012 backlogged requests by the end of FY2013.*
- *The number of backlogged requests at the end of FY2013 was 1/3 of the total at the end of FY2012.*
- *In the second half of 2013 (that is, the period after the vacant position was filled), CNCS reduced the response time for simple requests by 45% from the FY2012 response time. Compared to the first half of FY2013, response time was reduced by 65%.*
- *In the second half of 2013, CNCS reduced the response time for complex requests by 68% from the FY2012 response time. Compared to the first half of FY2013, response time was reduced by 86%.*
- *In the second half of 2013, CNCS reduced the response time for expedited requests by 55% from the FY2012 response time. Compared to the first half of FY2013, response time was reduced by 95%.*