



**SPECIAL INSPECTOR GENERAL FOR
AFGHANISTAN RECONSTRUCTION
CHIEF FOIA OFFICER REPORT
FISCAL YEAR 2011**

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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?

The Special Inspector General for Afghanistan Reconstruction (SIGAR) requires Freedom of Information Act (FOIA) training when new employees in process, ensuring that every employee of the agency receives training. In addition, FOIA personnel traveled to Afghanistan in March 2011 to conduct in-country FOIA training for SIGAR forward personnel.

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

SIGAR FOIA professionals attended several trainings this year. Those trainings included:

November 1, 2010: Federal Privacy Summit

November 30-December 1, 2010: DOJ FOIA for Attorneys and Access Professionals

February 24, 2011: Clearwell Systems "Government E-Discovery Workflow Lab"

April 7-8, 2011: National Association of Government and Archives and Records Administrators 2011 E-Records Forum

June 21-23, 2011: 2011 American Society for Access Professionals Training Series

November 29-December 1, 2011: eDiscovery Readiness for Government 2011

December 7-8, 2011: American Society for Access Professionals Annual Symposium and Training Conference 2011

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.

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

Yes.

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

Section 552(b)(2).

5. Describe your agency's process to review records to determine whether discretionary releases are possible.

SIGAR's Office of Privacy, Records, and Disclosure (PRD) receives records from the components. FOIA professionals review the records and make initial redactions. The redacted records are sent to the Office of General Counsel (OGC) for legal review. Once OGC approves the proposed redactions, the records are sent to the requester.

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

SIGAR is redesigning the public-facing website. This will include a more robust FOIA reading room. During FY 2012, the Agency plans to add more content to the reading room, including previously released records, as well as proactively disclosing recordings that are considered "hot topics."

In Section V.B.(1) of your agency's Annual FOIA Report, entitled "Disposition of FOIA Requests – All Processed Requests," the first two columns list the "Number of Full Grants" and the "Number of Partial Grants/Partial Denials." Compare your agency's 2011 Annual FOIA Report with last year's Annual FOIA Report, and answer the following questions:

7. Did your agency have an increase in the number of responses where records were released in full?

SIGAR increased the number of responses where records were released in full, from zero to one. Last year was the first year that SIGAR submitted an Annual FOIA Report to the Department of Justice. In FY 2010, SIGAR did not answer any FOIA requests, because it did not have a FOIA program.

8. Did your agency have an increase in the number of responses where records were released in part?

SIGAR increased the number of responses where records were released in part, from zero to thirteen. Last year was the first year that SIGAR submitted an Annual FOIA Report to the Department of Justice. In FY 2010, SIGAR did not answer any FOIA requests, because it did not have a FOIA program.

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?

Yes, SIGAR FOIA professionals work closely with IT professionals for support, running electronic record searches, and adding content to the SIGAR public facing webpage.

2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?

Yes, agency FOIA professionals report to the Chief FOIA Officer on a weekly basis on the status of requests. Often, FOIA professionals and the Chief FOIA Officer discuss FOIA requests on a daily basis.

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

SIGAR currently does not have an Open Government Team. However, the agency is considering whether any of its data sets are appropriate for submission to Data.gov.

4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.

SIGAR conducts annual reviews of all staffing at the agency. SIGAR's Assistant Inspector General for Management and Support met with FOIA professionals this year to assess the state of staffing. Currently, the number of FOIA professionals is sufficient for the FOIA case load.

5. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

The agency uses paper and electronic tracking system to organize FOIA requests. The electronic tracking system ensures that PRD and OGC have access to all FOIA documentation, including the request, responses, and responsive records. The paper system is maintained by one employee to provide consistency in tracking and request records management.

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 2011 to March 2012). 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. Has your agency added new material to your website since last year?

Yes, SIGAR has added content to the FOIA section of the agency webpage. The agency is overhauling the current site in FY 2012, including by creating a robust FOIA reading room.

2. Provide examples of the records, datasets, videos, etc., that have been posted this past year.

In FY 2010 SIGAR did not have a FOIA webpage. This year we created the page and included the FY 2010 Annual FOIA Report and Chief FOIA Officer's Report. The agency expanded the "Library" section of the website, including more reports-Congressional, Audit, Inspection, and Special, as well as testimony, peer review documents, and response plans.

3. Describe the system your agency uses to routinely identify records that are appropriate for posting.

The agency actively posts public documents on the library portion of the website, which is orchestrated through SIGAR's Public Affairs Office in conjunction with the webmaster. For FOIA related documents, SIGAR FOIA and records management professionals identify records which could potentially be posted in the FOIA Electronic Reading Room. The records are referred to the Office of General Counsel for review. Once OGC approves the posting, the FOIA staff works with the SIGAR webmaster to post the records.

4. Beyond posting new material, is your agency taking steps to make the 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, providing explanatory material, etc.?

Yes, SIGAR is taking steps to make the information posted more useful to individuals who regularly use the agency's website. SIGAR is the preeminent agency for oversight

with respect to Afghanistan reconstruction programs and operations. For example, the agency routinely provides translations of its Quarterly Reports in Dari and Pashto, two of the main languages spoken in Afghanistan.

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

N/A.

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 handling FOIA requests. For 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?

Yes, requestors can email the agency at sigar.pentagon.gen-coun.mbx.foia@mail.mil. In FY 2012 we are developing an online submission form.

2. If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?

N/A.

Online tracking of FOIA requests:

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

No, the requester must email or call PRD to track the status of his/her request.

4. If not, is your agency taking steps to establish this capability?

SIGAR is a small agency (currently approximately 140 personnel in Washington, D.C. and Afghanistan) and only receives a few FOIA requests a year. SIGAR does not have the IT capabilities and funding to create an electronic tracking system available online for requesters.

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?

Not in FY 11.

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

SIGAR has created an Investigations Case Management System, and in FY 12 will be establishing an Audit Case Management System. Both programs will ultimately feed into an

Electronic Records Management System, which will have capabilities to sort and de-duplicate documents.

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

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 2011 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?**

N/A.
 - b. **If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?**

N/A.
 - 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?**

Five days.
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 2011 as compared to Fiscal Year 2010. 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 2010 and Fiscal Year 2011 should be used for this section.

- a. If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?**

Yes, the backlog went down from four to two requests.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?**

N/A.

- c. In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?**

Yes.

- d. In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?**

N/A.

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?**
- b. Was the lack of a reduction in the request backlog caused by a loss of staff?**
- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?**
- d. What other causes, if any, contributed to the lack of a decrease in the request backlog?**

Administrative Appeal Backlog:

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

- f. Was the lack of a reduction in the appeal backlog caused by a loss of staff?**
- g. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?**
- h. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?**

All agencies should strive to both reduce any existing backlogs or requests and appeals and to improve their timeliness in responding to requests and appeals. Describe the steps your agency is taking to make improvements in those areas. In doing so, answer the following questions and then also include any other steps being taken to reduce backlogs and to improve timeliness.

1. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

Yes, the FOIA caseload is reviewed weekly and goals are set to monitor progress.

2. Has your agency increased its FOIA staffing?

The agency has not increased staffing, because the staffing is appropriate.

3. Has your agency made IT improvements to increase timeliness?

No, the agency has several IT improvement goals for FY12.

4. If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?

N/A.

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 2011?

No.

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

Spotlight on Success

Out of all the activities undertaken by your agency since March 2011 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.

SIGAR worked tirelessly in FY2011 to improve contact with the public and add information to the agency's website. FOIA professionals maintain regular contact with requesters, to provide information about the status of their requests, and to ensure their needs were met. The Public Affairs Office and Information Management Office expanded the "Library" section of the agency's website, tripling the amount of information available to the public, compared to the website during FY2010. The website "Library" now includes congressional, audit, inspection and special reports, as well as testimony, peer review documents, and response plans.