



**SPECIAL INSPECTOR GENERAL  
FOR AFGHANISTAN RECONSTRUCTION  
2016 CHIEF FOIA OFFICER REPORT**

Chief Freedom of Information Act Officer:  
Sarah Maloney, AIG for Management and Support

## Table of Contents

|  |    |
|--|----|
| SECTION I: STEPS TAKEN TO APPLY THE PRESUMPTION OF OPENNESS .....  | 3  |
| SECTION II: STEPS TAKEN TO ENSURE THAT YOUR AGENCY HAS AN EFFECTIVE SYSTEM IN PLACE FOR RESPONDING TO REQUESTS ..... | 5  |
| SECTION III: STEPS TAKEN TO INCREASE PROACTIVE DISCLOSURES .....   | 7  |
| SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY.....   | 10 |
| SECTION V: STEPS TAKEN TO IMPROVE TIMELINESS IN RESPONDING TO REQUESTS AND REDUCING BACKLOGS .....                   | 10 |
| USE OF FOIA’S LAW ENFORCEMENT “EXCLUSIONS” .....   | 17 |

## 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.

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?

**Answer:** Yes. Our FOIA professional attended the 'Introduction to FOIA' and the 'FOIA for Attorneys and Access Professionals' provided by the Department of Justice.

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

**Answer:** This year 100% of our FOIA professionals attended substantive FOIA training.

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.

**Answer:** N/A.

### DISCRETIONARY RELEASES:

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

**Answer:** Discretionary releases of records are considered for any requested information that might otherwise be covered by Exemptions 2 or 5. When SIGAR receives requests for such information, the FOIA professionals confer with the relevant SIGAR components to determine whether discretionary release would harm agency operations. If a determination is made that release would not harm agency

operations, then the information is disclosed. SIGAR determines on a case-by-case basis whether information falling under other exemptions that are appropriate for discretionary disclosure should be released.

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

**Answer:** Yes.

6. What exemption(s) would have covered the material released as a matter of discretion?

**Answer:** (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.

**Answer:** Investigative and Audit background papers.

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).

**Answer:** 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.

**Answer:** SIGAR publicly posts all of its reports and audits on its website, in order to make them accessible for the public.

- If any of these initiatives are online, please provide links in your description.
  - SIGAR's reports can be found at <https://www.sigar.mil/allreports/index.aspx?SSR=5> .

## 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 your management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

### 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.

**Answer:** SIGAR averaged 10 days.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

**Answer:** N/A.

3. On July 2, 2015, OIP issued new guidance to agencies on the proper procedure 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.

**Answer:** SIGAR did not send any "still interested" inquiries.

### REQUESTER SERVICES:

4. Agency FOIA Requestor 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 Liaison 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.

**Answer:** N/A.

- 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 here.

**Answer:** The SIGAR FOIA Public Liaison is able to keep requesters informed about how the FOIA process works and provide them with information about their individual requests. Due to this regular and timely communication we have been able to prevent any disputes and no requesters made appeals of FOIA decisions in FY 2015.

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.

**Answer:** A member of SIGAR's FOIA staff will be attending the 2016 Self-Assessments and Internal Reviews Best Practices Workshop at the Department of Justice, in order to facilitate a more robust self-assessment process.

### 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.

**Answer:** SIGAR FOIA professionals use a tracking database to carefully assess all customer requests to determine if records are required to be posted under Subsection (a)(2) of the FOIA.

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.

**Answer:** SIGAR is committed to transparency. As a general rule, all SIGAR products, including audit reports, alert and inquiry letters, testimony, and other products, are posted on the SIGAR.mil website for public access. SIGAR continued to create web pages for specific issues of heightened consumer or media interest to better inform the public without the submission of a FOIA request. For example, SIGAR regularly posts quarterly reports, audit reports, and investigation reports shortly after they are released.

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.

**Answer:** SIGAR's Information Technology professionals ensure all website materials are Section 508 compliant.

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

**Answer:** No.

5. If so, please briefly explain those challenges?

**Answer:** N/A.

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

**Answer:**

1. Afghan National Police: More than \$300 Million in Annual, U.S.-funded Salary Payments Is Based on Partially Verified or Reconciled Data (<https://www.sigar.mil/pdf/audits/SIGAR-15-26-AR.pdf>).
2. Department of Defense: More than 75 Percent of All SIGAR Audit and Inspection Report Recommendations Have Been Implemented (<https://www.sigar.mil/pdf/audits/SIGAR-15-29-AR.pdf>).
3. Afghan National Army: Millions of Dollars at Risk Due to Minimal Oversight of Personnel and Payroll Data (<https://www.sigar.mil/pdf/audits/SIGAR-15-54-AR.pdf>).
4. Afghanistan's Mineral, Oil, and Gas Industries: Unless U.S. Agencies Act Soon to Sustain Investments Made, \$488 Million in Funding is at Risk (<https://www.sigar.mil/pdf/audits/SIGAR-15-55-AR.pdf>).
5. Civil Aviation: U.S. Efforts Improved Afghan Capabilities, but the Afghan Government Did Not Assume Airspace Management as Planned (<https://www.sigar.mil/pdf/audits/SIGAR-15-58-AR.pdf>).
6. Rule of Law in Afghanistan: U.S. Agencies Lack a Strategy and Cannot Fully Determine the Effectiveness of Programs Costing More Than \$1 Billion (<https://www.sigar.mil/pdf/audits/SIGAR-15-68-AR.pdf>).
7. Afghan Refugees and Returnees: Corruption and Lack of Afghan Ministerial Capacity Have Prevented Implementation of a Long-term Refugee Strategy (<https://www.sigar.mil/pdf/audits/SIGAR-15-83-AR.pdf>).

8. Afghan Local Police: A Critical Rural Security Initiative Lacks Adequate Logistics Support, Oversight, and Direction  
(<https://www.sigar.mil/pdf/audits/SIGAR-16-3-AR.pdf>).
7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts?

**Answer:** SIGAR's Public Affairs directorate works to publicize and highlight important proactive disclosures for public awareness. SIGAR also uses several popular social media tools such as Facebook, Flickr, Twitter, and YouTube.

OTHER INITIATIVES:

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

**Answer:** 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.

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 describes your agency's efforts in this area.

### MAKING MATERIAL POSTED ONLINE MORE USEFUL:

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

**Answer:** Yes.

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

**Answer:** SIGAR currently uses several popular social media tools such as Facebook, Flickr, Twitter, and YouTube. In addition, SIGAR's public site was redesigned in Fiscal Year 2014 to improve the public user's experience. The new design provides a straightforward navigation system, allowing users to quickly locate and access publicly available records.

### OTHER INITIATIVES:

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

**Answer:** Yes. The FY 2015 reports can be accessed via the public website (<http://www.sigar.mil/contact/foia/reading-room.html>)

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.

**Answer:** 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?

**Answer:** Yes. SIGAR's FOIA professionals use e-mail to communicate with requesters, unless otherwise specified by the requester, or necessitated by the technical limitations of our e-mail system.

6. If your agency does not communicate electronically with requesters 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.

**Answer:** 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 [2009 FOIA's 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 2014 Annual FOIA Report and, when applicable, your agency's 2013 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?

**Answer:** 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?

**Answer:** No.

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

**Answer:** 72.97%

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?

**Answer:** 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.

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?

**Answer:** Yes. Although SIGAR has experienced a significant increase in the complexity of the requests received in recent fiscal years, SIGAR was able to decrease its Fiscal Year 2015 backlogs compared to Fiscal Year 2014.

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- 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 you backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

**Answer:** 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. If your agency did not receive any requests in Fiscal Year 2014 and/or has no request backlog, please answer with "N/A."

**Answer:** 2.7%

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?

**Answer:** N/A. SIGAR did not have any backlogged appeals in FY2014 or FY2015.

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog. When doing so please 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 you backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

**Answer:** 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."

**Answer:** N/A.

#### 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?

**Answer:** 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.

**Answer:** N/A.

13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

**Answer:** N/A. None of the requests were closed due to withdrawal.

#### 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?

**Answer:** N/A. SIGAR did not have any appeals pending at the close of FY2014.

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.

**Answer:** 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?

**Answer:** N/A. SIGAR did not have any consultations pending at the close of FY2014.

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.

**Answer:** N/A.

#### ADDITIONAL INFORMATION:

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

**Answer:** N/A.

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

SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION (SIGAR)  
2016 CHIEF FOIA OFFICER REPORT

date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

**Answer:** 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.

**Answer:** N/A.

## USE OF 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?

**Answer:** No.

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

**Answer:** N/A.