



SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

CHIEF FOIA OFFICER REPORT

FISCAL YEAR 2012

CHIEF FOIA OFFICER: Sarah Maloney, AIG for Management and Support

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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.

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

SIGAR FOIA professionals routinely attend formal FOIA training, including:

January 1, 2012: Washington College of Law, American University: Transparency in the Obama Administration: A Third Year

March 16, 2012: Washington College of Law, American University:

March 30, 2012: National Archives and Records Administration: Informing Consumers through Smart Disclosure

April 10, 2012: Department of Treasury RIMM Month Event: goFOIA Case Management

April 12, 2012: Department of Treasury RIMM Month Event: goFOIA Document Management

April 25, 2012: National Association of Government and Archives and Records Administrators 2011 E-Records Forum

September 25, 2012: National Archives and Records Administration: 24th Annual Records Administration Conference. RACO 2012. Developing a 21st Century Framework for Records Management.

November 28, 2012: FOIA Litigation Seminar

December 17-18, 2012: FOIA for Attorneys and Access Professionals

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

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

Yes.

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

Section 552(b)(7).

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

SIGAR's Office of Privacy, Records, and Disclosure (PRD) received multiple requests for law enforcement sensitive (LES) information. After careful review of over 1200 documents, PRD made the determination, with the help of the agency's Investigations Directorate, to release the LES documents. The investigative reports and background documents for those reports were released to a media requester, because the documents were about current events that would be of interest to the public, as required by the OPEN Government Act of 2007, Section 3.

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

SIGAR redesigned the agency's public-facing website, which includes an online form for submitting FOIA requests. SIGAR also published FOIA regulations in the Federal Register, which can be found here- <http://www.sigar.mil/pdf/foia/2012-06-11-FOIA-rules-regulations.pdf>.

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

SIGAR currently does not have an Open Government Team.

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

SIGAR conducts annual reviews of all staffing at the agency. Currently, the number of FOIA professionals is sufficient for the FOIA case load.

4. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, streamlining consultations, eliminating redundancy, etc.

Because SIGAR is a small, independent agency with a very specific mission, it does not receive a high volume of FOIA requests. In fact, in FY 12 SIGAR received 45% less FOIA requests than in FY 11. SIGAR is also a new agency, so almost all records are in electronic form and can be delivered to the FOIA office via email, disc, or through a file transfer protocol (FTP) site. The agency's FOIA system operates efficiently and effectively using the current practices.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

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

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. Public documents include the Quarterly Reports to Congress, audit reports, inspection reports, special reports, investigation summaries, letters from the Inspector General, and press releases. 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.

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

SIGAR has increased the amount of investigative material on our website, including information about Suspension and Debarment Cases, criminal cases, and alerts and special reports. All of these examples were not available to the public last year. SIGAR has also added content to the FOIA and Privacy section of the agency webpage, including more FOIA Logs, FOIA regulations and information, systems of records notices (SORNs), privacy impact assessments (PIAs), and regulations.

2. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.?

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

3. If so, provide examples of such improvements.

SIGAR is the preeminent agency for oversight with respect to Afghanistan reconstruction programs and operations. The agency's Quarterly Report to Congress is a wealth of information about Afghanistan and the reconstruction efforts. This year SIGAR updated the Quarterly Report page on the website to include interactive funding tables, using the

data from the report. SIGAR also created an online form which allows the public to make anonymous hotline submissions.

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

Electronic receipt of FOIA requests :

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

Yes, requestors can email the agency at sigar.pentagon.gen-coun.mbx.foia@mail.mil or submit an electronic request through the agency's website at <http://www.sigar.mil/contact/foia/privacy-request.aspx>.

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

N/A- SIGAR is a small agency. All OFIA requests go to the Office of Privacy, Records, and Disclosure (PRD).

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

N/A.

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

No.

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

Not in FY 13.

Use of technology to facilitate processing of requests:

- 7. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?**

Not in FY 13.

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

N/A.

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

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests and appeals. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2012 Annual FOIA Report.*

1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

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

No.

b. If so, for your agency overall, for Fiscal Year 2012, was the average number of days to process simple requests twenty working days or fewer?

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?

No.

2. Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2012 as compared to Fiscal Year 2011. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2011 and Fiscal Year 2012 should be used for this section.

a. If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011?

Yes.

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

N/A

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

Yes.

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

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: N/A

- 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: N/A

- a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?
 - b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?
 - c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?
 - d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?
- 4. OIP has issued [guidance](#) encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information. **If your agency had a backlog in Fiscal Year 2012, please provide an estimate of the number of cases in the backlog where a substantive,****

interim response was provided during the fiscal year, even though the request was not finally closed.

SIGAR only had one case that was backlogged. The agency received the FOIA request prior to the end of FY12 on 8/23. SIGAR issued one interim release on 9/14 before the fiscal year ended, and issued a final release on 10/16.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2012?

No.

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

N/A.

Spotlight on Success

SIGAR has increased the amount of investigative material on our website, including information about Suspension and Debarment Cases, criminal cases, and alerts and special reports. All of these examples were not available to the public last year. SIGAR has also added content to the FOIA and Privacy section of the agency webpage, including more FOIA Logs, FOIA regulations and information, systems of records notices (SORNs), privacy impact assessments (PIAs), and regulations.