



**SPECIAL INSPECTOR GENERAL  
FOR AFGHANISTAN RECONSTRUCTION  
2015 CHIEF FOIA OFFICER REPORT**

Chief Freedom of Information Act Officer:  
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## 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 .....	4
SECTION III: STEPS TAKEN TO INCREASE PROACTIVE DISCLOSURES .....	7
SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY.....	8
SECTION V: STEPS TAKEN TO IMPROVE TIMELINESS IN RESPONDING TO REQUESTS AND REDUCING BACKLOGS.....	9
USE OF FOIA’S LAW ENFORCEMENT “EXCLUSIONS” .....	15

## 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:** No.

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

**Answer:** Although FOIA professionals did not attend training, 100 % reviewed the DOJ annual training materials dated October 22, 2014

3. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.

**Answer:** SIGAR provides annual FOIA training to its FOIA professionals through an online power point presentation. FOIA staff will be required to successfully complete the FOIA training by March 31, 2015. Upon successful completion of the training, the trainee will receive a certificate.

### 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:** 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.

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

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

**Answer:** N/A

**OTHER INITIATIVES:**

**Answer:** N/A

## 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.

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 2014, 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 2014 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.

### REQUESTER SERVICES:

3. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration? See OIP Guidance, "Notifying Requesters of the Mediation Services Offered by OGIS." (July 9, 2010)

**Answer:** Yes. This information is located in the SIGAR regulation: (<http://www.sigar.mil/pdf/foia/2012-06-11-FOIA-rules-regulations.pdf>), and in responses to appeals.

4. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication? 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)

**Answer:** For Fiscal Year 2014, SIGAR did not collect any fees pursuant to FOIA requests, therefore it was not necessary at any point to provide a breakdown of how FOIA fees were calculated and assessed.

5. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester? See id.

**Answer:** Yes.

OTHER INITIATIVES:

**Answer:** N/A

### 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.

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. Does your agency have a distinct process or system in place to identify 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, regularly posts quarterly reports, audit reports, and investigation reports shortly after they are released.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

**Answer:** Yes. The office of primary responsibility (OPR) and the Office of General Counsel (OGC) are involved in the review and redaction process.

3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

**Answer:** SIGAR FOIA professionals use a tracking database to carefully assess all customer requests. When frequently requested records are suitable for public release, SIGAR will make them available.

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

**Answer:**

1. Afghanistan's Banking Sector: The Central Bank's Capacity to Regulate Commercial Banks Remains Weak  
(<http://www.sigar.mil/pdf/audits/SIGAR%2014-16-AR.pdf>)
  2. Poor Planning and Construction Resulted in \$5.4 Million Spent for Inoperable Incinerators and Continued Use of Open-Air Burn Pits  
([http://www.sigar.mil/pdf/inspections/SIGAR\\_14-13\\_Inspection\\_Sharana%20Incinerators.pdf](http://www.sigar.mil/pdf/inspections/SIGAR_14-13_Inspection_Sharana%20Incinerators.pdf))
  3. USAID's Local Governance and Community Development Project in Northern and Western Regions of Afghanistan: Audit of Costs Incurred by ARD, Inc.  
([http://www.sigar.mil/pdf/audits/Financial\\_Audits/SIGAR-14-91-FA.pdf](http://www.sigar.mil/pdf/audits/Financial_Audits/SIGAR-14-91-FA.pdf))
  4. Weesh Border Crossing Point Design Issues  
([http://www.sigar.mil/pdf/alerts/SIGAR\\_14-2\\_AlertLetter\\_Weesh.pdf](http://www.sigar.mil/pdf/alerts/SIGAR_14-2_AlertLetter_Weesh.pdf))
  5. Direct Assistance: USAID Has Taken Positive Action to Assess Afghan Ministries' Ability to Manage Donor Funds, but Concerns Remain  
(<http://www.sigar.mil/pdf/audits/SIGAR-14-32-AR.pdf>)
5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

**Answer:** No other steps were taken.

#### **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 useful 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.

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

**Answer:** No.

4. If so, please briefly explain what those challenges are.

**Answer:** N/A.

OTHER INITIATIVES:

5. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

**Answer:** Yes. The FY 2014 reports can be accessed via the public website (<http://www.sigar.mil/contact/foia/reading-room.html>)

6. 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 2015.

**Answer:** N/A.

7. 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. More than 90% of all communications take place by means of electronic-mail.

SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION (SIGAR)  
2015 CHIEF FOIA OFFICER REPORT

8. 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 and the Attorney General 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 2014, was the average number of days to process simple requests twenty working days or fewer?

**Answer:** Yes.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

**Answer:** 68.75%

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 2013 and Fiscal Year 2014 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 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

**Answer:** No. SIGAR experienced a significant increase in complexity of the requests received in FY2014; this was the contributing factor to the increase in backlogged requests.

6. 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 2014. If your agency did not receive any requests in Fiscal Year 2014 and/or has no request backlog, please answer with "N/A."

**Answer:** 5.8%

APPEALS:

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

**Answer:** N/A. SIGAR did not have any backlogged appeals in FY2013 or FY2014.

8. 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 2014. If your agency did not receive any appeals in Fiscal Year 2014 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 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

9. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

**Answer:** Yes.

10. 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 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

**Answer:** N/A.

11. 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

12. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

**Answer:** N/A. SIGAR did not have any appeals pending at the close of FY2013.

13. 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 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

**Answer:** N/A.

TEN OLDEST CONSULTATIONS

14. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

**Answer:** N/A. SIGAR did not have any consultations pending at the close of FY2013.

15. 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 2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

**Answer:** N/A.

ADDITIONAL INFORMATION:

16. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

**Answer:** N/A.

17. 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.

**Answer:** N/A.

18. 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 2015.

**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 2014?

**Answer:** No.