



USAID
FROM THE AMERICAN PEOPLE

Chief FOIA Officer's Annual Report

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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.

- I. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?** Yes. USAID FOIA professionals regularly engage in on-going, in-house training to stay abreast of FOIA trends and changes.

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

Yes. USAID's FOIA Public Liaison Officer and Government Information Specialists attended the American Society of Access Professionals (ASAP) FOIA/Privacy Act training workshop in New Orleans, Louisiana in March 2012. This training served as a refresher for general FOIA administration and Exemptions 4, 5 and 6, as well as introduced new FOIA guidance for some.

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?**

No. However, USAID always seeks to release as much information as possible. The primary exemptions asserted (Exemptions 3, 4 & 6) limit USAID's ability to make discretionary releases.

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

USAID made no discretionary releases in FY2012.

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

USAID made no discretionary releases in FY2012.

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

When information being considered for release is deemed as deliberative, ordinarily withheld pursuant to FOIA Exemption 5, we expand the dialogue with the program offices and General Counsel attorneys to consider if there is any foreseeable harm if the information were to be

released. Through collaborative analysis, we ensure that the harm is clearly articulated and not abstract or speculative in these instances.

Ultimately, if no clearly articulated harm in the release of the deliberative information is determined, USAID will make a discretionary release.

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 your 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.

I. Do FOIA professionals within your agency have sufficient IT support?

Yes. FOIA professionals regularly collaborate with the agency's Bureau for Management's Office of the Chief Information Officer (M/CIO) to manage technology related activities concerning FOIA administration.

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

Yes. The FOIA Public Liaison Officer regularly engages with the Open Government Coordinator to manage and track milestones set forth in USAID's Open Government plan.

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

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.

In FY2012, USAID evaluated its FOIA staffing and business processes. The outcome: Organizational Restructuring. USAID determined that FOIA processing would be improved through an in-sourcing plan that would replace contract personnel. Steps were taken to

develop and classify the new Government Information Specialist (GIS)(0306) position description (PD) as required by OMB; actions to transfer existing FOIA professionals to the new PD and an aggressive recruitment strategy was initiated.

In total, USAID's FOIA team will include, in addition to the Chief FOIA Officer and FOIA Public Liaison Officer, ten (10) professionals: one team lead, two senior specialists, and seven additional specialists, each with varying degrees of processing responsibility. The full-time permanent staff will help to ensure continuity, improved understanding and dedication to agency initiatives, and ultimately increase efficiencies. The consistency to result from these permanent employees should facilitate collegial working relationships with program office professionals, that we believe, will decrease response times in document identification and collections and enhance collaboration on releases of information.

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 proactive disclosures of information.

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

The USAID public website, www.usaid.gov, is updated on a regular basis with material deemed interesting and important to the public and our stakeholders, including press materials, performance reports, evaluations, strategic plans, and project data. The site was redesigned in the past year to make this information easier to find.

Transparency

With the mandates of the U.S. Government's Open Government Initiative, Paris Declaration, the Accra Agenda for Action, and the International Aid Transparency Initiative (IATI) signed in Busan, South Korea, the U.S. Government is required to make information on foreign assistance programs more transparent. Our Transparency page (<http://www.usaid.gov/results-and-data/progress-data/transparency>) and Open Government page (<http://www.usaid.gov/open>) both provide links to our proactively-disclosed content.

The Foreign Assistance Dashboard (<http://www.foreignassistance.gov>) provides a view of U.S. Government foreign assistance funds and enables users to examine, research, and track aid

investments in a standard and easy-to-understand format. It aims to eventually integrate all U.S. Government foreign assistance budget, financial, program, and performance data. USAID is working to integrate our data sets into the Dashboard under common U.S. Government data standards. This information is available in IATI-compliant format at <http://www.foreignassistance.gov/IATI.aspx>.

The Dashboard currently includes Department of State and USAID foreign assistance budget planning data. These figures can be found in the annual Congressional Budget Justification submitted jointly by the Department of State and USAID and the annual appropriations bills.

Budget and Spending

USAID is committed to managing our appropriations in a transparent and accountable fashion as we carry out a mission that reflects the generosity of the American people and improves the lives of millions worldwide. A listing of resources that present foreign assistance budget and spending information to a wide variety of audiences can be found here <http://www.usaid.gov/results-and-data/budget-spending>.

In addition, each year, USAID publishes U.S. Overseas Loans and Grants, Obligations and Loan Authorizations, commonly known as the Greenbook. In recent years, the on-line version has provided a complete historical record of all foreign assistance provided by the United States to the rest of the world. This website is a companion to the annual report to Congress (see <http://gbk.eads.usaidallnet.gov/>). USAID also reports Official Development Assistance (ODA) to the Organization for Economic Cooperation and Development (OECD) on behalf of the U.S. Government (see <http://usoda.eads.usaidallnet.gov>).

Agency Performance Reports

USAID monitors, evaluates, and reports on its performance in different ways to meet the needs of a variety of stakeholders, including the Congress and the American public. We have produced a series of mandated reports, including an Agency Strategic Plan, Agency Financial Report (AFR), Annual Performance Report (APR), and a Summary of Performance and Financial Information. More information on each of these reports can be found on the Agency Progress and Data page (<http://www.usaid.gov/results-and-data/progress-data>).

USAID Documents / Development Experience Clearinghouse

USAID's Development Experience Clearinghouse (DEC) is the largest online resource for USAID funded technical and program documentation, with over 153600 documents available for electronic download. Search USAID's online database of agency-funded technical and program-related documents to download USAID documents in PDF format for free: <https://dec.usaid.gov/dec/home/Default.aspx>. The new USAID web site also provides frequently-updated links to recent project evaluations on the sector pages of the web site.

USAID Data Sets Available through Data.gov

As a priority Open Government initiative, Data.gov increases the ability of the public to easily find, download, and use datasets that are generated and held by the Federal Government. USAID's data set catalog can be found here. Be sure to view USAID information available both under the Raw Dataset Catalog and the Tool Catalog tabs.

<http://www.data.gov/list/agency/184/0/catalog/raw/page/1/count/50>

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.**
3. **If so, provide examples of such improvements.**

We solicit feedback from the public and use this feedback to advise changes that will make information easier to find. We also use meta-data to improve the search engine optimization (SEO) of our site's content. With the redesign of the USAID web site, we also launched two mobile applications - a mobile version of the mapping application and a mobile version of the Development Experience Clearinghouse (DEC).

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

In December 2012, USAID launched Dollars to Results (see <http://results.usaid.gov>). For the first time in the Agency's history, this new pilot provides a visual overview of USAID's work around the world by linking spending (dollars) to output and outcomes (results) by fiscal year. Currently, users can view spending and results data for six sectors in several of the Performance Management Focus countries. This site increases the amount of material that is available on USAID's website in an easy to understand and visually appealing manner. In support of the President's Open Government Initiative, Dollars to Results improves stewardship and transparency of public funds, and increases accountability by making the information publicly available on usaid.gov. This is another opportunity to reach a diverse audience with accurate information about the impact of our development investments. Project-specific data is now available on the USAID Project Portfolio (<http://portfolio.usaid.gov>) and is browsable geographically on the USAID Mapping Application (<http://map.usaid.gov>) to allow visitors to see what work USAID is performing and where.

Moreover, under the FOIA, USAID pays particular attention to frequently requested records and is careful to examine whether the records are appropriate for on-line posting. If the records are appropriate, we will make them available to the public.

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

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

Yes. USAID receives electronic requests via a dedicated FOIA email mailbox at FOIA@usaid.gov. FOIA requests may also be faxed to (202) 216-3070.

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

The FOIA function is centralized in the Bureau for Management's Office of Management Services, Information and Records Division (M/MS/IRD) at USAID. This division is responsible for the receipt of all FOIA requests for the agency. Requests for documents are sent to various bureaus, missions, and offices to fulfill the requests. M/MS/IRD maintains the authority and full responsibility to process and make release and withholding determinations for all FOIA requests.

Online Tracking of FOIA Requests:

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

No. USAID is working aggressively to launch a public-facing FOIA tracking portal solution in FY 2013.

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. Not applicable.

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.

The public-facing FOIA tracking portal solution (portal) will allow FOIA requesters to perform a host of functions, such as: create a user account and password, submit a request; attach supporting documents; communicate with the Government Information Specialist assigned to their request; receive status updates; view the entire request submission history; and also receive the final

response letter and documents. The portal will also allow the public to download frequently requested records from the USAID FOIA Library.

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

USAID uses collaboration tools such as web-based content management systems. It allows users to edit and maintain web pages without advanced knowledge of HTML or other web technologies. These tools are used to create internal websites for bureaus and other groups to collaborate by using document libraries, discussion boards, task and project tracking, team calendars and wikis. Additionally, in response to President Obama's Memo on Managing Government Records, the agency has launched an e-First initiative that includes plans to modernize and digitize its records which will provide improved record search capabilities.

V. Steps Taken to Improve Timeliness in Responding to Request 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.

- I. Section VII.A of your agency's Annual FOIA, 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? Yes.**
 - 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? No.**
 - 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? Not Applicable.**
- 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**

3. 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? No**
 - c. In Fiscal year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011? No. However, USAID closed seven of its oldest ten requests reported in FY2011.**
 - 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? No.**
- 4. 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? Not Applicable. Decreased backlog.**
- b. Was the lack of a reduction in the request backlog caused by a loss of staff? Not Applicable. Decreased backlog.**
- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received? Not Applicable. Decreased backlog.**
- d. What other causes, if any, contributed to the lack of a decrease in the request backlog? Not Applicable. Decreased backlog.**

Administrative Appeal Backlog:

- a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals? Yes.**
- b. Was the lack of a reduction in the appeal backlog caused by a loss of staff? Yes.**
- c. Was the lack of a reduction in the appeal backlog caused by an increase in**

the complexity of the appeals received? Yes. USAID claims Exemption 4 in most of its release determinations, as documented in our FY2011 and 2012 FOIA Annual Reports. Most of the appeals challenge the use of Exemption 4 and whether the information withheld is, in fact, confidential and proprietary business information. On appeal, the program office, which provided the responsive records and the submitters of the business information are often re-engaged. This approach may prolong the response time; yet is necessary to ensure thorough reviews and sound appeal determinations.

- d. **What other causes, if any, contributed to the lack of a decrease in the appeal backlog?** While the General Counsel attorneys are consulted, the FOIA team does not have a full-time legal expert.
- 5. **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.**

Of the 201 backlogged FOIA requests, USAID identified twenty-two (22) requests where rolling releases occurred.

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 is the total number of times exclusions were involved?** Not applicable. No statutory exclusions invoked.

Spotlight on Success

Out of all the activities undertaken by your agency since March 2012 to increase transparency, describe here one success story that you would like to highlight as emblematic of your efforts.

USAID's Bureau for Management (M), Management Services, Information and Records Division has been working enthusiastically with the M/Office of the Chief Information Officer, to ensure the information security and integrity of the public access link (PAL) on the web, in addition to configuring the features.

The launch of USAID's PAL is planned for deployment in FY 2013, pending successful completion of security certification and accreditation process. The PAL will allow FOIA requesters to submit their request on-line; attach supporting documents; correspond with the Government Information Specialist assigned to their request; receive status updates; view the entire request submission history; and also receive the final response letter and documents. The portal will also allow the public to download frequently requested records from USAID's FOIA Library.

The PAL will increase transparency and offer on-demand status updates. For USAID, the ability to offer FOIA requesters status updates and unprecedented access to FOIA processes, will lend itself to decreased response times, enhance our FOIA customer service and improve overall FOIA administration.