

Corporation for National and Community Service

2020 Chief FOIA Officer Report

Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ'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.

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at this level?

Yes.

2. Please provide the name and title of your agency's Chief FOIA Officer.

Timothy Noelker, General Counsel.

B. FOIA Training

3. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?

The FOIA Officer and FOIA Appeals Officer attended DOJ's July 23, 2019 "Freedom of Information Act for Attorneys and Access Professionals" workshop.

4. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

The workshop covered an overview of the FOIA's procedural requirements and exemptions, workshops on specific FOIA exemptions, processing FOIA requests from start to finish, the FOIA's proactive disclosure requirements, and the interface between FOIA and the Privacy Act.

5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

50%

6. 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.

The four people with FOIA responsibilities at CNCS plan to attend the May 12, 2020 DOJ Advanced Freedom of Information Act Seminar.

C. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency’s FOIA administration.

CNCS did not dialogue with or outreach to the requester community.

D. Other Initiatives

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

We posted a document called FOIA Basics for All Employees on our intranet, as a follow-up to the previous year’s direct staff training.

9. Optional – If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

N/A

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

DOJ’s [FOIA Guidelines](#) emphasize 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 the 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.

1. For Fiscal Year 2019, 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 2019 Annual FOIA Report.

One day.

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.

N/A

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

- Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

CNCS did not conduct a self-assessment of its FOIA program during the reporting period.

4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2019 (please provide a total number or an estimate of the number).

CNCS's FOIA Public Liaison received three phone calls and two emails.

5. Optional – Please describe:

- Best practices used to ensure that your FOIA system operates efficiently and effectively
 - *Frequent monitoring of the foia@cns.gov mailbox for new requests, clarifications, submitted records, etc.*
 - *Color-coding the FOIA request tracking spreadsheet to stay on top of dues dates for internal agency record responses and pending responses to requesters*
 - *Close collaboration with agency lead staff on optimizing requests and collecting records*
 - *Highly organized filing system.*
- Any challenges your agency faces in this area

N/A

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long 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.

1. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

CNCS made three responses regarding materials for a contract and posted the records in its Electronic Reading Room:

<https://www.nationalservice.gov/node/125701>

Examples of new information CNCS posted to support national service members, grantees, and volunteers include:

- *New fact sheets:*
<https://www.nationalservice.gov/newsroom/communication-resources/fact-sheets>
- *An AmeriCorps information pamphlet*
<https://www.nationalservice.gov/documents/2019/learn-more-about-ameri-corps>
- *Life After AmeriCorps Guide*
<https://www.nationalservice.gov/documents/2019/life-after-ameri-corps-guide>
- *A service blog:*
<https://www.nationalservice.gov/blogs>

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?

Yes. CNCS's web team continually focuses on improving the format and clarity of the content on our website (www.nationalservice.gov).

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

- *Reduced the number of pages in the "About CNCS" and "Programs" sections to make them easier to navigate*

- *Made language more consistent throughout the site (for instance, recruitment language for new service members)*
- *Moved the information about the agency's major Transformation and Sustainability Plan higher on our main page so it's easier to find, and added it to the site's global menu*
- *Created tools that make it easier for users to learn about and search for our program opportunities:*
 - *Join AmeriCorps page*
<https://www.nationalservice.gov/programs/americorps/join-american-corps>
 - *Senior Corps Pathfinder*
<https://www.nationalservice.gov/programs/senior-corps/get-involved/senior-corps-pathfinder>

4. Optional – Please describe:

- Best practices used to improve proactive disclosures

CNCS recently completed a full audit of our public website, cataloging all of its pages, the owner of each page, when it was last updated, and by whom. We then made recommendations for the next comprehensive update and other improvements.

- Any challenges your agency faces in this area

N/A

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. 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.

1. Is your agency leveraging or exploring any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.

CNCS has begun to explore eDiscovery vendors such as Case Point, Exterro, and Microsoft Office 365. These vendors provide software applications for

eDiscovery to help is identify, collect, redact, de-duplicate, and produce electronically stored information on CNCS's systems in response to a request for production of documents for a legal matter or a FOIA request. The eDiscovery software application will also help CNCS create a data map of its IT infrastructure, coordinate with records management, understand where records and data are located, and gain key information pertaining to agency records custodian practices.

2. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes. CNCS's FOIA Officer has reviewed our FOIA website to ensure it addresses the required elements. There is a clear link to our FOIA on the main page of the CNCS's website.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2019?

Yes.

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 2020.

N/A

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.

FY 2018 Raw Data:

<https://www.nationalservice.gov/documents/2019/fy-2018-foia-annual-report-raw-data-spreadsheet-1>

6. Optional – Please describe:

- Best practices used in greater utilizing technology

CNCS's web team has:

- *Added information about cyber activity and alerts to our Website Policies and Procedures page (<https://www.nationalservice.gov/site-policy-and-notices/notices/website-policies-procedures>) and added a Cyber Alert button on the CNCS homepage*

- Created an override template for the Join AmeriCorps page (<https://www.nationalservice.gov/programs/amicorps/join-amicorps/>) that allows more stylistic and dynamic freedom as we update information
- Used more complex “Views” in Drupal (content management software) to create tools like the Senior Corps Pathfinder (<https://www.nationalservice.gov/programs/senior-corps/get-involved/senior-corps-pathfinder>), which makes it possible for potential volunteers to search all Senior Corps opportunities. Before we developed this tool, there was no central searchable database for Senior Corps opportunities available to the public.

When our Office of Information Technology deploys new code into production, we automate as much as possible. Deployments are first created and tested in a development environment, then deployed into a staging environment for stakeholder validation using a testing script. The results from the staging environment are then presented to a production change control board for approval for deployment into the production environment. This helps keep technology resources available to the general public – without these practices, website and grantee tools are more liable to break and become unavailable.

- Any challenges your agency faces in this area
Our web and IT teams report that a need for more staff has created some challenges.

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

The Department of Justice has 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 2019 Annual FOIA Report and, when applicable, your agency’s 2018 Annual FOIA Report.

A. 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?

Yes.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2019?

Yes.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2019 that were placed in your simple track.

82.4%

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?

N/A

B. 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 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

No, it stayed the same.

6. If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?

No, the number of processed requests was the same in both years.

7. If your agency's request backlog increased during Fiscal Year 2019, please 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 your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

N/A

8. 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 2019. If your agency has no request backlog, please answer with “N/A.”

5.45%

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

CNCS did not have an appeals backlog.

10. If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal Year 2018?

N/A

11. If your agency’s appeal backlog increased during Fiscal Year 2019, please 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 appeals.
- 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 your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

N/A

12. 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 2019. If your agency did not receive any appeals in Fiscal Year 2019 and/or has no appeal backlog, please answer with “N/A.”

N/A

C. Backlog Reduction Plans

13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2018 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2019?

CNCS's backlog at the end of FY 2018 was three requests. Two of these requests were closed in Fiscal Year 2019 Quarter 1; the third was closed in Quarter 2.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2019, what is your agency's plan to reduce this backlog during Fiscal Year 2020?

CNCS's backlog at the end of Fiscal Year 2019 was three requests.

D. Status of 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 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Yes.

16. 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 2018 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

CNCS had fewer than ten old requests to close.

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

CNCS has never had as many as ten pending requests at the end of a fiscal year. All pending requests from the end of Fiscal Year 2013 to the end of Fiscal Year 2019 present – with the exception of three requests – were closed within the first quarter of each new fiscal year.

TEN OLDEST APPEALS

18. In Fiscal Year 2019, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

CNCS had no pending appeals at the end of Fiscal Year 2018.

19. 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 2018 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

N/A

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

In the period of time for which CNCS has retained FOIA reports – since Fiscal Year 2013 – we have never had a pending appeal at the end of the fiscal year.

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

CNCS had no pending consultations at the end of Fiscal Year 2018.

22. 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 2018 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

CNCS had no pending consultations at the end of Fiscal Year 2018.

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

We did not face obstacles in closing requests. CNCS had no pending appeals or consultations. Of the pending requests at the end of Fiscal Year 2018, three were closed in Fiscal Year 2019 Quarter 1; the fourth was closed in Quarter 2.

24. 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.

At the close of Fiscal Year 2018, CNCS had one backlogged request that required consultation with another agency. We closed that request during Fiscal Year 2019.

25. 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 2020.

N/A

F. Success Stories

Out of all the activities undertaken by your agency since March 2019 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- *Fiscal Year 2019 marked the seventh year in a row in which CNCS’s FOIA program had no pending appeals or consultations at the end of the fiscal year.*
- *In Fiscal Year 2019, CNCS continued its pattern since Fiscal Year 2013 of:*
 - *closing all, or all but one, of its pending FOIA requests in Quarter 1 of the succeeding Fiscal Year*
 - *averaging well under 20 days’ response time for simple requests*
 - *having a very small number of backlogged requests: there were six backlogged cases at the close of Fiscal Year 2014; in every other year from Fiscal Year 2013 through Fiscal Year 2019, the number of backlogged requests was between zero and two.*