

## Corporation for National and Community Service

### 2019 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 least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above 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?

*Yes.*

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

*DOJ's Freedom of Information Act for Attorneys and Access Professionals on June 26-27, 2018. The training covered the full range of FOIA processing, application of FOIA exemptions, fee questions, and the intersection of 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.

*66%*

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.

*We plan for our FOIA Public Liaison to attend training with the FOIA Officer and FOIA Appeals Officer this year. That will bring us to 100%.*

### **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.

*No.*

### **D. Other Initiatives**

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In 2016, the Department [publicized](#) FOIA-related performance standards for employees that have any role in administering the FOIA, including non-FOIA professionals. Please also indicate whether your agency has considered including FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA.

*We have held small-group training sessions for the offices within CNCS to let them know how FOIA works and what their responsibilities for FOIA are. We have also posted guidance about their FOIA responsibilities on our internal website. CNCS does not have specific FOIA-related performance standards in its employee work plans.*

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.

*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 that describes your agency's efforts in this area.

1. For Fiscal Year 2018, 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 2018 Annual FOIA Report.

*3.3 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.

*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 formal self-assessment during the reporting period. However, the FOIA Officer self-assesses the program informally and regularly: Response times, and adjudication times for expedited processing or fee waivers, are closely monitored. The program has for years had average response times for the simple track well below the 20-day requirement, and has had either no backlog or a tiny one (for example, there were zero backlogged requests in 2017 and 3 in 2018). A color-coded spreadsheet allows the FOIA Officer to track open requests, due dates for records search requests sent to CNCS offices, due dates for responses to requesters, and so on at a glance. Offices at CNCS are quick to respond with records, so we have not seen a need to update the records request process. In our few appeals (only one during the reporting period), our FOIA Appeals Officer has always provided a timely response within statutory limits.*

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 2018 (please provide a total number or an estimate of the number).

*No requesters sought assistance from our FOIA Public Liaison.*

5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.

*Because the program is so small, we can track requests on a single spreadsheet. That allows us to see at a glance if a program needs to be reminded to provide requested records, when the due date for the response is, which requests remain open, and so on. CNCS staff in other offices are normally very quick to respond with needed records, and thorough and careful in their search. We do not experience challenges in efficient, effective operation of our FOIA program.*

### **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 material that your agency has proactively disclosed during the past reporting year, including links to the posted material

[\*CNCS's Transformation and Sustainability Plan\*](#)

[\*Volunteering in America Report\*](#)

[\*Budget Performance and Accountability Reports\*](#)

2. Please describe how your agency identifies records that have been requested and released three or more times (and are therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a)(2)(D)).

*Over the past six years, we have averaged 52 requests per year. CNCS's numbers are so small that it is a simple matter to track whether a record has been requested and released three or*

*more times. The same FOIA Officer has served in that role since 2013, and is familiar with all the agency's FOIA responses.*

3. 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?

*CNCS recently completed a website redesign of our external website. Part of our initial process was information gathering from our main audiences. We learned what was lacking on our old site and how we could communicate with our audiences better in the future, on our new site. From the information we gathered, we prioritized sections and pages that were far too buried on our previous site, and organized landing pages in a way that makes it much easier for our users to navigate to crucial information. The FOIA landing page is easier to find, as are the FOIA Reading Room and the FOIA Reports page.*

*We've reduced the quantity of written content on each page and mixed it with contextual graphics to further support understanding of our materials. We made it much easier for our main audiences to access key parts of our site on mobile devices. Between last year and this year, we have seen a 17% increase in mobile traffic to our website.*

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

*We have improved key parts of our website to make it easier for our users to navigate quickly to what they are looking for. In our previous website, our AmeriCorps and Senior Corps sections were designed to be internal landing pages with lots of written content. We now treat these landing pages like their own homepages.*

<https://www.nationalservice.gov/programs/americorps>

<https://www.nationalservice.gov/programs/senior-corps>

*As a grant-making agency, we needed to do a better job of elevating our grant content; within our last website, much of that content was buried within other sections. On the new website, based on much of the feedback we received, we created a brand-new Grants & Funding section, redesigned and streamlined so our users could more easily find critical tools.*

<https://www.nationalservice.gov/build-your-capacity>

*On our older site, many of our general public users had trouble finding resources and tools on volunteering in their communities. We improved and elevated these resources on our new site. This included implementation of a new volunteering API tool that we now have directly on our site. Our traffic to this search tool has grown 180% on our new site and traffic to the general volunteering landing page (below) has increased by more than 105% since we launched the new site.*

<https://www.nationalservice.gov/serve>

5. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

*Our Office of External Affairs (OEA), which oversees CNCS's external website, relies on content experts throughout our agency and works with them on a consistent basis to ensure that CNCS has consistent messaging and accurate information throughout our website. All major updates to the site are managed through OEA, so we can properly manage the overall voice and user*

*experience throughout each section of our website. We have a few separate audiences that are extremely unique; it's been a challenge to cater to each unique audience within one website. But through our most recent web redesign project, we have made huge strides in improving the user experience for each of these groups.*

#### **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 that describes your agency's efforts in this area.

1. Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used. If not, please explain why and please describe the typical search process used instead.

*When searches, especially for email, look like they will be extensive, we have been able to ask our Office of Information Technology to conduct e-discovery. We have a relatively small number of requests each year, and they are rarely for large numbers of records. Searches are not typically unduly burdensome for CNCS's offices to conduct. Outlook allows fast key word and sender/receiver searches in email. We have shifted our electronic file system to SharePoint this year, which has a robust search function.*

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, we did this as part of an overall update of our external website.*

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2018?

*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 2019.

*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 2017 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report.

<https://www.nationalservice.gov/documents/2019/fy-2017-downloadable-raw-foia-data>

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

6. Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

*As noted in Section IV, item 1, CNCS shifted to agency-wide use of SharePoint during the period covered by this report. This has made transfer of records to the FOIA officer more efficient for*

*responding offices and has been a net positive for our FOIA program. The challenge of SharePoint, however, is that it makes the process of saving records, and converting them to PDF format for redacting, considerably more time-consuming. When we simply used a share drive system, saving and converting files was a one- or two-step process. SharePoint – of necessity – adds several extra steps. For requests with a large number of records, this adds a substantial amount of time to saving, converting to PDF format, redacting, re-saving, and sending the records.*

## **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 2018 Annual FOIA Report and, when applicable, your agency's 2017 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? If your agency uses a multi-track system beyond simple, complex, and expedited to process requests, please describe the tracks you use and how they promote efficiency.

*CNCS tracks requests as simple, complex, and expedited.*

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 2018?

*Yes – 15 days.*

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2018 that were placed in your simple track.

*78%.*

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 2016 and Fiscal Year 2017 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 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

*No. We had one backlogged request at the end of FY 2017 and three at the end of FY 2018.*

6. If not, did your agency process more requests during Fiscal Year 2018 than it did during Fiscal Year 2017?

*No. We processed 54 requests in FY 2017 and 51 in FY 2018.*

7. If your agency's request backlog increased during Fiscal Year 2018, 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.

*The oldest of the three backlogged requests was from a consultation we had sent out to another agency in FY 2017 that wasn't returned to CNCS by that agency until the last week of September 2018. The second oldest request suffered from long lags in communication from the requester, who was out on extended leave. The youngest of the three received a response the first day of FY 2019, which was day 21 for that request; it was backlogged by one day.*

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 2018. If your agency has no request backlog, please answer with "N/A."

*5%.*

## **BACKLOGGED APPEALS**

9. If your agency had a backlog of appeals at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

*CNCS did not have a backlog of appeals.*

10. If not, did your agency process more appeals during Fiscal Year 2018 than it did during Fiscal Year 2017?

*N/A.*

11. If your agency's appeal backlog increased during Fiscal Year 2018, 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 2018. If your agency did not receive any appeals in Fiscal Year 2018 and/or has no appeal backlog, please answer with "N/A."

N/A.

### **C. Backlog Reduction Plans**

13. In the 2018 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2017 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 2018?

*CNCS had no request backlog in FY 2017.*

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2018, what is your agency's plan to reduce this backlog during Fiscal Year 2019?

N/A.

### **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 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

#### **OLDEST REQUESTS**

15. In Fiscal Year 2018, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

No.

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 2016 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

*We had two pending; we closed one. The other was a consultation we sent over to another agency and did not get back until the third week of September, 2018.*

17. 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?

None.

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

*We sent regular requests for status updates to the agency to which we'd sent the consultation.*

## TEN OLDEST APPEALS

19. In Fiscal Year 2018, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

*CNCS had no pending appeals.*

20. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

*We had zero pending appeals to close.*

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

*N/A.*

## TEN OLDEST CONSULTATIONS

22. In Fiscal Year 2018, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

*CNCS did not have any pending consultations from another agency.*

23. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

*CNCS had zero pending consultations to close.*

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

24. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2018.

*As noted above in item 16, CNCS was unable to close one of two requests that had been pending because another agency had not responded to a request for consultation.*

25. 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.

*Received 5/26/2017, consultation sent over on 6/26/2017. Last request on 7/18/2018; records returned to us 9/17/2018.*

26. 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 2018.

*Prior to the publication of this report, CNCS received a response from the agency that held CNCS's backlogged request on consultation (see question 16 in this section), and closed the request. CNCS has no backlogged requests as of this writing.*

## **F. Success Stories**

Out of all the activities undertaken by your agency since March 2018 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.

- *CNCS made its website easier to use and more transparent for grantees and potential grantees for service initiatives, and for individuals who want to serve in their communities. This supports our core mission.*
- *Traffic to the volunteering opportunity search tool grew 180%. Traffic to the general volunteering landing page increased by more than 105% since we launched the new site.*
- *We made it easier for to access key parts of our site on mobile device, resulting in a 17% increase in mobile traffic to our website.*