



United States Agency for International Development (USAID)

Freedom of Information Act (FOIA)

Review Report

and

Improvement Plan

2006

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A. Nature of USAID'S FOIA Operations

The USAID FOIA Program is a centralized operation. All FOIA and Privacy Act requests are processed by a team residing within the Management Bureau's Information and Records Division (IRD). The FOIA Team is comprised of five FOIA Specialists and an Administrative Operations Assistant. Periodically, additional processing assistance is provided by a contractor and Agency volunteers.

Many of USAID's ways of doing business dramatically impact the FOIA Program. USAID implements its programs through contractors and grantees. The FOIA Team thus is called upon to process many procurement documents. Requests for assistance award documents bring with them the need to undergo the lengthy "submitter notification" process. USAID is an international organization with some 80 overseas missions. Searches for responsive documents often involve searches in both Washington and overseas units. Often the responsive documents are in a foreign-language. Some USAID missions have small staffs and are located in dangerous areas subject to periodic staff reductions or evacuations. The direct-hire staffs are Foreign Service Officers who rotate out of the Missions on a regular basis. This practice impacts the "institutional memory" of the mission staffs. These characteristics sometimes make the location of responsive documents time-consuming or unsuccessful.

With its involvement in Iraq and Afghanistan and such program areas as HIV/AIDS, malaria eradication, and faith-based programs, USAID has become a news-worthy organization. The receipt of requests from the media and public interest groups has grown tremendously. Often these requests are for a voluminous amount of records and are granted expedited processing status. This has stretched the resources of the USAID FOIA Program.

A USAID FOIA Specialist must be a flexible and highly knowledgeable professional. The USAID FOIA Team processes a wide variety of documents – procurement documents, diplomatic communications, classified documents generated by USAID or other agencies, reports covering a broad spectrum of technical areas, program reports, personnel and security records, and internal deliberative-process communications. A USAID FOIA Specialist can expect to consider the use of most of the FOIA exemptions.

The FOIA Program has and will continue to face many challenges. Increases in the number of complex and voluminous requests, especially requests from the media and public interest groups, have overwhelmed the FOIA Team. A recent staff increase has not been sufficient to handle the increased workload in a timely manner. The Program's Information Technology (IT) resources have been scarce and antiquated. The future, however, does seem brighter. USAID has recognized the importance of the FOIA in educating the public about USAID's operations and programs. The Agency has a strong commitment to transparency. USAID is determined to increase the FOIA Program's resources to the greatest possible extent within the limits of the Agency's operating expense budget.

B. Areas Selected for Review

The following areas were selected for review.

- Acknowledgement Letters/Notifications
- Automated Processing and Tracking
- Backlog Reduction/Elimination
- FOIA Website Improvements
- Improvement of the Agency's FOIA Regulations/Directives
- New IT Equipment
- Politeness and Courtesy
- Proactive Disclosure of Information
- Program Personnel and Contact Officer Outreach
- Updating of the Agency's FOIA Reference Guide

C. Results of Review

In response to Executive Order 13392, USAID performed a review of its FOIA function. The review commenced in January 2006 with the implementation of an in-depth review and requirements analysis of the FOIA Program's IT resources. This IT analysis was the major thrust of USAID's FOIA review since improvements in this area would have the greatest overall impact on FOIA performance.

USAID's current FOIA automated program is a Microsoft Access-based system that provides minimal tracking and reporting capabilities. Such FOIA processing activities as case management, redaction, reporting, and client information dissemination are labor-intensive and paper-based manual processes. The goal of the review was the identification of an automated FOIA solution which would help to minimize manual and labor-intensive paper processes, provide a request tracking tool for both USAID and requesters, electronically redact and transmit documents, and facilitate ongoing communications with requesters – major improvement areas recommended in the Executive Order. The final report for this IT review was issued on May 23, 2006. The Analysis Team has recommended the purchase of a specific FOIA COTS program. USAID is currently seeking funds for the purchase and installation of the recommended program. During the course of the IT review, it was noted that the FOIA Team's IT equipment was insufficient for their needs. Upgrades of the FOIA Team's IT equipment have been made.

The FOIA Review examined a number of other areas pertaining to request processing, proactive information dissemination, website development, internal support of the FOIA, FOIA guidance and regulations, and customer relations. Summarizations of the findings for these areas appear below.

- **Acknowledgement Letters/Notifications** – The FOIA Team has established timeframes for the transmittal of acknowledgement letters/notifications. These timeframes are not being met. USAID plans to issue revised procedures that will lead to compliance with the established timeframes. Additionally, improvements in processing, tracking and reporting are expected when the new FOIA system is installed.
- **Backlog Reduction/Elimination** – As USAID’s visibility has grown so has the complexity of the FOIA requests received by USAID. The receipt of requests from the media and public interest groups has grown tremendously. A backlog of requests has developed. USAID will undertake the elimination of its backlog. This project will be in two stages. The first stage will focus on pre-FY2005 requests. The second stage will focus on FY2005 and later requests.
- **Consultations and Referrals Involving Classified Records** – In the past, delays often occurred in the processing of classified consultations and referrals sent to USAID by other agencies. Changes in the processing procedures for these records have been made. The delays no longer occur.
- **Establishment of a New Fee Threshold** – Section 4 (A)(iv)(I) of the FOIA requires that no processing fee will be charged if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. USAID examined its threshold level. It was determined that the threshold level was outdated. A cost analysis was conducted. As a result of that analysis, the threshold level was raised.
- **FOIA Specialist Position Description** – Even though the FOIA Specialists perform the same duties, their position descriptions have varied. The position title used for the older position descriptions was Public Affairs Specialist. This has caused confusion about the role of the FOIA Specialists. A standard position description has been established with a title of FOIA Specialist.
- **FOIA Website Improvements** – A cursory review of this website determined that there are invalid links that have to be changed or eliminated. Links to additional sources of information of current wide-spread interest have to be established.
- **Improvement of the Agency’s FOIA Regulations/Directives** – The new requirements of EO 13392 must be incorporated into USAID’s FOIA regulations and directives. In order to make the regulations and directives easier to read and understand, they should be written in the “Plain English” style.
- **Politeness and Courtesy** – The USAID FOIA Team is sensitive to the need to interact with clients in a courteous manner. There has not been a history of customer complaints concerning improper behavior or communications by the Agency’s FOIA Specialists.
- **Proactive Disclosure of Information** – USAID is a transparent Agency and proactively releases much of its information. However, deficiencies in the proactive release of information under the FOIA exist. Deficiencies also exist in the Agency’s proactive release of procurement information. FOIA website improvements are expected to improve information disclosure.
- **Program Personnel and Contact Officer Outreach** – USAID staff are not sensitive to the importance of the FOIA. An outreach program is needed to raise staff consciousness. Training for FOIA Contact Officers must be instituted.

- **Updating of the Agency's FOIA Reference Guide** – The Guide must be updated. Currently, sources of information that no longer exist or are no longer of current interest are listed. New relevant sources of information must be added.

D. Areas for Improvement

Based on the Review, the following areas were identified for improvement:

Areas of improvement to be completed by December 31, 2006

- Acknowledgement Letters/Notifications
- Backlog Reduction/Elimination – Pre-FY 2005
- FOIA Website Improvements
- Obtaining Contractor Assistance
- Purchase and Installation of a FOIA System
- Program Personnel and Contact Officer Outreach
- Updating Reference Guide to USAID Information

Areas of improvement to be completed by December 31, 2007

- Backlog Reduction/Elimination – FY 2005+
- Improvement of the Agency's FOIA Regulations/Directives
- Training and Implementation of FOIA System

Areas of improvement to be completed after December 31, 2007

- N/A

FOIA Improvement Plan of Action

Areas to be Completed by 12/31/06

Acknowledgement Letters/Notifications

- **Goal/Objective/Improvement**
USAID internal operating procedures require that an acknowledgement letter/notification be sent to the requester within two to four days, depending on the complexity of the letter. This requirement is not being met. The goal of this activity is to improve performance in the timely transmittal of acknowledgement letters/notifications.
- **Steps to be Taken**
 - Review standard operating procedures for transmittal of letters.
 - Revise procedures.
 - Establish a performance measurement report that will track compliance with these timeframes.
- **Time Milestones**
 - Review standard operating procedures – Completed by July 15, 2006
 - Revise standard operating procedures – Completed by July 31, 2006
 - Establish performance measurement report – Completed by August 15, 2006
- **Measurements**
 - “Simple” acknowledgement letters/notifications are sent to the requester within two working days, 90 percent of the time.
 - “Complex” acknowledgement letters/notifications are sent to the requester within four working days 75% of the time.

Backlog Reduction/Elimination – Pre-FY 2005

- **Goal/Objective/Improvement**
There is a backlog of requests that were received prior to FY 2005. In the USAID FY 2005 Annual FOIA Report, USAID reported a backlog of 469 requests. 260 of those requests were received prior to FY 2005. The universe of pre-FY 2005 cases for this project is now 234 cases. The goal of this activity is to eliminate the backlogged pre-FY 2005 cases. A combination of FOIA Team staff, Agency volunteers, and contractor assistance will be used to accomplish this project.
- **Steps to be Taken**
 - “Interest letters” sent to requesters.
 - Contractor support acquired
 - Inventory of requests conducted to identify duplicate requests and closed cases which are classified as open cases.
 - Grouping and classification of requests by actions necessary.
 - Grouping and classification of requests by “records holding offices.”
 - Search actions sent to “records holding offices.”
 - Reminder search actions sent for searches not completed within prescribed timeframe.
 - Reviews conducted and redactions/withholdings made if necessary.
 - Draft response prepared.

- General Counsel clearance is requested in a timely fashion and obtained when necessary.
- Final responses prepared and sent to requesters.
- **Time Milestones**
 - “Interest letters” sent – Completed by June 30, 2006
 - Inventory of requests – Completed by June 30, 2006
 - Grouping and classification of requests – Completed by July 31, 2006
 - Search actions sent to “records holdings offices.” – Completed by August 18, 2006
 - Backlog of pre-FY 2005 cases eliminated by December 31, 2006.
- **Measurement**
 - Percentage of pre-FY 2005 Backlog eliminated
 - Timely completion of milestones

FOIA Website Improvements

- **Goals/Objectives/Improvements**

A complete review of the informational sources and links contained in the FOIA Website has not been conducted since the initiation of the website. A cursory review has determined that there are invalid links that have to be changed or eliminated. Missing links to sources of USAID information of current wide-spread interest have to be established. An information searching/decision tree must be developed to assist the public and the media by directing them to Agency Public Affairs Specialists who may be able to locate and provide the required information without filing a FOIA request.
- **Steps to be Taken**
 - Obtain LPA web-developer resources
 - Conduct a thorough review of the FOIA website to ensure that links to other websites are correct.
 - Correct or remove invalid links.
 - Identify links to additional USAID websites of current interest.
 - Establish links to additional USAID websites.
 - Establish a searching/decision tree to assist website visitors.
- **Time Milestones**
 - Review of FOIA website links – Completed by June 30, 2006
 - Correction or removal of invalid links – Completed by July 31, 2006
 - Establishment of links to additional USAID websites – Completed by August 31, 2006
 - Establishment of a searching tree to assist website visitors – Completed by October 31, 2006
- **Measurement**
 - Reduction in the number of requests for assistance
 - Timely completion of milestones

Obtain FOIA Contractor Assistance

- **Goal/Objective/Improvement**

The USAID FOIA program has been overwhelmed by the deluge of requests since the start of the war in Iraq. Additional resources are needed to meet the challenge.
- **Steps to be Taken**
 - Document requirements

- Identify source
- Obtain estimate
- Obtain funding
- Execute contract
- Obtain contractor support
- **Time Milestones**
 - Document requirements – Completed by July 25, 2006
 - Identify source – Completed by July 31, 2006
 - Obtain estimate – Completed by August 15, 2006
 - Obtain funding – Completed by September 1, 2006
 - Execute contract – Completed by September 30, 2006
 - Obtain contractor support – Completed by October 15, 2006
- **Measurement**
 - Timely completion of milestones.

Purchase and Installation of FOIA System

- **Goal/Objective/Improvement**

USAID currently maintains limited FOIA tracking information in an ACCESS-based database. Systems currently exist that will assist in request tracking, case management, and developing interim response letters among other functionalities. Based upon a requirement analysis performed in 2006 and pending appropriated funding, USAID plans to purchase and install a FOIA COTS Program prior to December 31, 2006.
- **Steps to be Taken**
 - Alternatives Analysis
 - Obtain Funding
 - Acquisition
 - Installation
- **Time Milestones**
 - Alternatives Analysis complete by May 31, 2006
 - Obtain Funding complete by October 15, 2006
 - Acquisition complete by November 30, 2006
 - Installation complete by December 31, 2006
- **Measurement**
 - Timely completion of milestones

Update Reference Guide to USAID Information

- **Goal/Objective/Improvement**

The USAID FOIA Reference Guide must be updated. Currently, sources of information that no longer exist or are no longer of current interest are listed. New relevant sources of information must be added.
- **Steps to be Taken**
 - Review the current Reference Guide to identify defunct listed sources.
 - Review USAID website to identify new informational sources.
 - Issue Agency Notice to solicit the identification of additional informational sources.
 - Update Reference Guide.
 - Obtain clearance from appropriate offices/officials.

- Finalize Reference Guide.
- Post new Reference Guide on the FOIA Website.
- Print copies of the Reference Guide for non-electronic distribution.
- **Time Milestones**
 - Review current Reference Guide – Completed by July 31, 2006
 - Review USAID websites – Completed by August 31, 2006
 - Agency Notice issued – Completed by September 30, 2006
 - New Reference Guide posted on the FOIA website – Completed by December 31, 2006
 - Guide printed for non-electronic distribution – Completed by December 31, 2006
- **Measurement**
 - Issuance of a Reference Guide that is up-to-date and will help the public in obtaining helpful USAID information without the filing of a FOIA request and will explain USAID’s FOIA procedures.

Program Personnel and FOIA Contact Officer Outreach

- **Goals/Objectives/Improvements**

Agency staff is not sensitive to the importance of the FOIA and does not completely understand their responsibilities. The FOIA staff relies upon FOIA Contact Officers who serve as intermediaries with program personnel and obtain responsive records from their bureaus. The goals of this improvement activity are to improve the Agency staff’s sensitivity to the importance of the FOIA; impart to the bureaus the importance of the FOIA Contact Officer’s role; and to train the FOIA Contact Officers.
- **Steps to be Taken**
 - Issuance of an Agency Notice from the Administrator regarding the importance of the FOIA.
 - Issuance of a notice or memorandum from the Agency Chief FOIA Officer to the Bureau Heads regarding the importance of the FOIA Contact Officer.
 - Briefing of FOIA Contact Officers.
 - Transmittal of a “Holiday Greetings and Thank You Message” to FOIA Contact Officers.
- **Time Milestones**
 - Administrator’s Agency Notice – July 2006
 - Agency Chief FOIA Officer notice/memorandum – July 2006
 - FOIA Contact Officer briefing – September 2006
 - “Holiday Greetings/Thank You Message” – December 2006
- **Measurements**
 - Percentage of Bureaus with trained FOIA Contact Officers
 - Timely completion of milestones

Areas to be completed by 12/31/07

Backlog Reduction/Elimination – FY 2005+

- **Goal/Objective/Improvement**

There is currently a backlog of requests that were received in FY2005. Following the elimination of the pre-FY2005 requests, USAID will focus on the FY2005 and later cases. The goal of this activity is to eliminate these backlogged cases. A combination of FOIA Team staff, Agency volunteers, and contractor assistance will be used to accomplish this project.

- **Steps to be Taken**

- “Interest letters” sent to requesters.
- Inventory of requests conducted to identify duplicate requests and closed cases which are classified as open cases.
- Grouping and classification of requests by actions necessary.
- Grouping and classification of requests by “records holding offices.”
- Search actions sent to “records holding offices.”
- Reminder search actions sent for searches not completed within prescribed timeframe.
- Reviews conducted and redactions/withholdings made if necessary.
- Draft response prepared.
- General Counsel clearance is requested in a timely fashion and obtained when necessary.
- Final responses prepared and sent to requesters.

- **Time Milestones**

- “Interest letters” sent – Completed by June 30, 2007
- Inventory of requests – Completed by June 30, 2007
- Grouping and classification of requests – Completed by July 31, 2007
- Search actions sent to “records holdings offices.” – Completed by August 18, 2007
- Backlog of FY 2005+ cases eliminated by December 31, 2007.

- **Measurement**

- Percentage of FY 2005+ Backlog eliminated
- Timely completion of milestones

Improvement of the Agency’s FOIA Regulations/Directives

- **Goals/Objectives/Improvements**

The new requirements of EO 13392 need to be incorporated into USAID’s FOIA regulations and directives. In order to make the regulations and directives easier to read and understand, they will be written in the “Plain English” writing style.

- **Steps to be Taken**

- Prepare draft revisions of FOIA regulations and directives.
- Obtain clearance from USAID General Counsel.
- Publish Federal Register Notice for CFR regulations.
- Issue changes to internal directives.

- **Time Milestones**
 - Draft revision of regulations and directives – Completed by May 19, 2007
 - General Counsel review – Completed by June 19, 2007
 - Publication of Federal Register Notice – Completed by July 17, 2007
 - Issuance of changes to internal directives – Completed by December 31, 2007
 - Issuance of revised regulations and internal directives in “Plain English” style by December 31, 2007.
- **Measurement**
 - Timely completion of milestones

Training and Implementation of FOIA System

- **Goal/Objective/Improvement**

USAID currently maintains limited FOIA tracking information in an ACCESS-based database. FOIA redactions use a labor intensive manual process. Systems currently exist that will assist in request tracking, case management, redaction and developing interim response letters among other functionalities. Based upon a requirement analysis performed in 2006 and pending appropriated funding, USAID plans to train users and implement a FOIA COTS Program prior to December 31, 2007.
- **Steps to be Taken**
 - Obtain M/IRM deployment/operations support
 - Training
 - Deployment
- **Time Milestones**
 - Training complete by January 31, 2007
 - Deployment by February 28, 2007
- **Measurement**
 - Timely completion of milestones

Areas to be Completed After 12/31/07

- **None**