**2016 Chief FOIA Officer Reports (Low-Volume Agencies)**

**Committee for Purchase From People Who Are Blind or Severely Disabled**

**Chief FOIA Officer: E. Ballard, Executive Director**

The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee), operating as the U.S. AbilityOne Commission, administers the AbilityOne Program pursuant to the authority of 41 U.S.C. § 8501 *et seq*. Through the AbilityOne Program, employment opportunities are provided to people who are blind or severely disabled through the acquisition of products and services by the Federal Government.

The Committee is a small agency with 25 full time employees (FTE). Due to the small size of the agency and the small volume of FOIA requests, FOIA Administrator duties are a part-time responsibility of one employee. The General Counsel provides supervision and oversight of the FOIA program and reviews each FOIA request with the FOIA Administrator. The Executive Director, as the Chief FOIA Officer, provides overall guidance and direction for the Committee’s FOIA program.

**Section I: Steps Taken to Apply the Presumption of Openness**

The guiding principle underlying the President's [FOIA Memorandum](https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/presidential-foia.pdf) and the Attorney General’s [2009 FOIA Guidelines](http://justice.gov/ag/foia-memo-march2009.pdf) is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

***FOIA Training:***

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

***Yes, Freedom of Information Act, Best Practices Workshop for Small Agencies.***

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

***Percentage of training attended by FOIA personnel is 100%. FOIA administration is a part-time responsibility of one employee and that employee along with the General Counsel attended FOIA training.***

3. OIP has [directed agencies](https://www.justice.gov/oip/oip-guidance-9) 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.

***Not applicable.***

***Discretionary Releases:***

4. Does your agency have a distinct process or system in place to review records for discretionary release?

***Yes. Each FOIA request response is evaluated by the FOIA Administrator and General Counsel to determine if agency records that may be technically exempt from disclosure under the FOIA could be included as discretionary released documents. In addition, all agency personnel are advised to recommend records for discretionary release when considering individual FOIA requests.***

5. During the reporting period, did your agency make any discretionary releases of information?

***Yes.***

6. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP’s guidance on [implementing the President’s and Attorney General’s 2009 FOIA Memoranda](https://www.justice.gov/oip/foiapost/2009foiapost8.htm).

***5U.S.C. § 552(b) (5)***

7. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

***Documents relating to agency’s deliberative and predecisional process regarding which products and services are suitable for addition to the Procurement List.***

8. If your agency was not able to make any discretionary releases of information, please explain why.  For example, you should note here if your agency did not have an opportunity to make discretionary disclosures because you provided full releases in response to all requests or the only exemptions that were applied were those that do not lend themselves to discretionary release (i.e. Exemptions 1, 3, 4, 6, 7A, 7B, 7C, 7F). ***Not applicable.***

***Other Initiatives:***

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. No new initiatives.***

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

The Attorney General’s [2009 FOIA Guidelines](http://justice.gov/ag/foia-memo-march2009.pdf) emphasized 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.

***Processing Procedures:***

1. For Fiscal Year 2015, 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 2015 Annual FOIA Report.

***The Committee did not adjudicate any requests for expedited processing during Fiscal Year 2015.***

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. ***Not applicable.***

3. On July 2, 2015, OIP issued [new guidance](https://www.justice.gov/oip/oip-guidance-8) to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

***The Committee did not have an occasion to send a “still interested” inquiry during Fiscal Year 2015.***

***Requester Services:***

4. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

***The Committee has not taken any steps recently to strengthen requester services due to the low FOIA request demand.***

***Other Initiatives:***

5. If there are 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, eliminating redundancy, etc., please describe them here.

***Due to the small size of the Committee, part-time FOIA administration responsibility of only one employee and the low FOIA demand, no new steps were taken during this fiscal year.***

**Section III: Steps Taken to Increase Proactive Disclosures**

Both the [President’s](https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/presidential-foia.pdf) and [Attorney General’s](http://justice.gov/ag/foia-memo-march2009.pdf) FOIA memoranda focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

***Posting Material:***

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

***All FOIA requests are monitored although as a small agency there are very few FOIA requests annually. If any “frequently requested” records are identified, then they are considered for posting online.***

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency’s process or system.

***FOIA personnel, along with the Communications Director and other senior staff, routinely review existing and new agency documentation for potential proactive disclosures and then coordinate with the Chief Information Officer for website posting parameters.***

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting?

***NO.***

If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall. ***Not applicable.***

* Please note that this question is directed at the efforts of actually posting the records online once all disclosure determinations have been made. For example, efforts to load the records in your web content platform or making the releasable documents accessible in compliance with Section 508 of the Rehabilitation Act.

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

***No.***

5. If so, please briefly explain those challenges. ***Not applicable.***

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

***Media Room examples can be found online at*** [***www.abilityone.gov/media\_room/news\_events.html***](http://www.abilityone.gov/media_room/news_events.html) ***and include the following:***

* ***Statement from the U.S. AbilityOne Commission in Response to CNN Story Aired July 27, 2015 (July 28, 2015),***
* ***James M. Kesteloot Elected to Lead Presidentially-Appointed Commission - Lisa M. Wilusz Elected Vice Chairperson (July 8, 2015),***
* ***AbilityOne Award Recipients Announced (May 18, 2015),***
* ***AbilityOne Awards Presented (November 19, 2014),***
* ***AbilityOne Nonprofit Agency Leaders Receive Honors (October 8, 2014), and***
* ***Presidential Appointees RADM Jonathan A. Yuen and Virna L. Winters Sworn-In as Members of U.S. AbilityOne Commission (October 8, 2014).***

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts. ***Yes.***

***News and event disclosure notifications were provided to designated central nonprofit agencies with the request that they further share the disclosures with their 550 nonprofit agencies.***

***Other Initiatives:***

8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here. ***Not applicable.***

**Section IV: Steps Taken to Greater Utilize Technology**

A key component of the President's [FOIA Memorandum](https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/presidential-foia.pdf) was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

***Making Material Posted Online More Usable:***

1. Beyond posting new material, is your agency taking steps to make the posted information more useable to the public, especially to the community of individuals who regularly access your agency’s website? ***No***

* Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

2. If yes, please provide examples of such improvements. ***Not applicable.***

* If your agency is already posting material in its most useful format, please describe these efforts.

***Use of Technology to Facilitate Processing of Requests:***

*Not required, but agencies may answer the questions for this section from the* [*high-voume guidelines*](https://www.justice.gov/oip/oip-guidance/2016-chief-foia-officer-report-guidelines-high-volume)*if they have information they would like to include.*

***Other Initiatives****:*

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

***No***

* Please see OIP’s [guidance](https://www.justice.gov/oip/blog/foia-guidance-12) for posting of quarterly reports to ensure that your agency is following all required steps (including using the correct file type and URL structure) so that your quarterly reports are properly appearing on FOIA.gov. (If your reports are posted to your website, but not appearing of FOIA.gov, please contact OIP in order to resolve the issue.)

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 2016. ***In 2015, due to the agency relocating to a new office location and 4 senior employees retiring, including the general counsel, the quarterly reports were not posted. New personnel (including legal counsel) have been hired and a greater focus on successfully posting quarterly will be made this fiscal year.***

5. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? See OIP Guidance, "[The Importance of Good Communication with FOIA Requesters 2.0:  Improving Both the Means and the Content of Requester Communications](https://www.justice.gov/oip/foiapost/2013foiapost06.html)." (Nov. 22, 2013)  If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters? ***Yes, email.***

6. If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations? See [*id*](https://www.justice.gov/oip/foiapost/2013foiapost06.html). ***Not applicable.***

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

The President’s [FOIA Memorandum](https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/presidential-foia.pdf) and the Attorney General’s [2009 FOIA Guidelines](http://justice.gov/ag/foia-memo-march2009.pdf) have emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

*For the figures required in this Section, please use the numbers contained in the specified sections of your agency’s 2015 Annual FOIA Report and, when applicable, your agency’s 2014 Annual FOIA Report.*

***Simple Track:*** Section VII.A of your agency’s Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency’s fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests? ***Yes.***

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer? ***Yes.***

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track. ***80% (4 requests in simple track out of 5 requests processed)***

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? ***Not applicable.***

***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 2014 and Fiscal Year 2015 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 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014? ***There was no backlogs of requests in FY 2014 and one backlog in FY2015.***

6. If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors: ***Not applicable.***

* 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.

7. 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 2015. ***16.6% (1 of 6).***

* To calculate your agency’s percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of requests received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

**BACKLOGGED APPEALS**

8. If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014? ***Not applicable.***

9. If not, explain why and describe the causes that contributed to your agency not being able reduce backlog. When doing so, please also indicate if any of the following were contributing factors: ***Not applicable.***

* 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.

10. 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 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with "***Not applicable.***

* To calculate your agency’s percentage, you must divide the number of backlogged appeals reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of appeals received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report.  Once divided, you can multiply that number by 100 to get the percentage.

***Backlog Reduction Plans:***

*Not required, but agencies may answer the questions for this section from the* [*high-voume guidelines*](https://www.justice.gov/oip/oip-guidance/2016-chief-foia-officer-report-guidelines-high-volume)*if they have information they would like to include.*

***Status of Ten Oldest Requests, Appeals, and Consultations:*** Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C. (5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

**TEN OLDEST REQUESTS**

11. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report? ***Not applicable.***

12. 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 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. ***Not applicable.***

* For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed six of them, you should note that you closed six out of seven "oldest" requests.

13. 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? ***Not applicable.***

**TEN OLDEST APPEALS**

14. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report? ***Not applicable.***

15. 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 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. ***Not applicable.***

* For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C.(5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.

**TEN OLDEST CONSULTATIONS**

16. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report? ***Not applicable.***

17. 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 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that. ***Not applicable.***

* For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.

***Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:***

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014. ***Not applicable.***

19. 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. ***Not applicable.***

20. 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 2016. ***Not applicable.***

***Interim Responses:***

*Not required, but agencies may answer the questions for this section from the* [*high-voume guidelines*](https://www.justice.gov/oip/oip-guidance/2016-chief-foia-officer-report-guidelines-high-volume)*if they have information they would like to include.*

**Use of the FOIA’s Law Enforcement Exclusions**

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015? ***No.***

2. If so, please provide the total number of times exclusions were invoked. ***Not applicable.***

**Success Story**

*Not required, but agencies may answer the questions for this section from the* [*high-voume guidelines*](https://www.justice.gov/oip/oip-guidance/2016-chief-foia-officer-report-guidelines-high-volume)*if they have information they would like to include.*

*Updated September 15, 2015*