

Office of Science and Technology Policy
Chief FOIA Officer Report - 2009

I. Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

1. Describe below the steps your agency has taken to ensure that that presumption is being applied to all decisions involving the FOIA. This section should include a discussion of the range of steps taken by your agency to apply this presumption, from publicizing the President's FOIA Memorandum and Attorney General's FOIA Guidelines and providing training on them, to implementing the presumption in response to FOIA requests and administrative appeals, with examples or statistics illustrating your agency's action in making discretionary releases of records or partial releases when full disclosure is not possible.

Every OSTP employee is notified of their responsibilities under the Federal Records Act (FRA) and the Freedom of Information Act (FOIA) as part of their "entrance training" upon coming to OSTP. Every OSTP employee also receives a basic overview of their FOIA responsibilities during their annual ethics training and bi-annual FRA training.

OSTP has two employees who work directly on FOIA issues. The employees have reviewed the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. These employees have actively implemented the presumption in response to FOIA requests and administrative appeals. For example, in one recent appeal, an employee responded to each of the items appealed and then went through the entire portfolio of responsive documents to determine whether there were any documents where OSTP could make discretionary disclosures of information; OSTP chose to make these discretionary disclosures on 10 pages of these documents.

2. Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

There was an overall increase in the number of FOIA requests submitted to OSTP during 2009, regardless of whether records were released in full or in part. OSTP received more requests in 2009 than it received in 2006, 2007, and 2008, respectively. In 2008, OSTP made 6 full grants and 2 partial grants. In 2009, OSPT made 11 full grants and 7 partial grants. See <http://www.whitehouse.gov/administration/eop/ostp/library/compliance/foia>

II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

As the Attorney General emphasized in his FOIA Guidelines, “[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests.” Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

Step 1. Eliminated Backlog. In 2009, OSTP eliminated its backlog of FOIA requests from prior years. It ended the year with 1 pending request. That request has now been resolved.

Step 2. Processing Requests. Every FOIA request is logged in when received and reviewed for (1) a request for expedited treatment and (2) substance. The relevant employees who may have records are contacted within 1-2 business days of receipt and notified when they must provide the records. The records are sorted, copied, and reviewed for relevant exceptions and exclusions. The records are provided to the requestor.

Step 3. Use of IT. The agency uses an email to contact employees with relevant records and to track the progress of the FOIA response. The agency uses Excel to track each FOIA request and assist in the preparation of the Annual FOIA Report. The agency has one IT Specialist and the Executive Office of the President, Office of Administration provides additional administration support. No further IT support has been requested nor is it required.

III. Steps Taken To Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received. Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines.

Please see the answer to I(1) above. Additionally, OSTP has chosen to voluntarily release certain information when OSTP has received repeated requests for the same material or there appeared to be significant public interest in an issue, *see, e.g.,*

http://www.whitehouse.gov/files/documents/ostp/press_release_files/holdren_email.pdf. Finally, OSTP hosts the Open Government Office. OSTP regularly

issues blog postings, <http://www.whitehouse.gov/administration/eop/ostp/blog>, “tweets” on Twitter, and posts press releases,

<http://www.whitehouse.gov/administration/eop/ostp/pressroom>, so that more information is readily available to the public.

IV. Steps Taken To Greater Utilize Technology

A key component of the President's Memorandum was the direction to “use modern technology to inform citizens about what is known and done by their Government.” In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. For this section of the Chief FOIA Officer Report, please answer the following questions:

1.) Does your agency currently receive requests electronically.

Yes, via email.

2.) If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically.

N/A

3.) Does your agency track requests electronically.

Yes, in Excel.

4.) If not, what are the current impediments to your agency utilizing a system to track requests electronically.

N/A

5.) Does your agency use technology to process requests.

Yes, as described in the answer to II, Step 2 above.

6.) If not, what are the current impediments to your agency utilizing technology to process requests.

N/A

7.) Does your agency utilize technology to prepare you agency Annual FOIA Report.

Yes, using Word and Excel.

8.) If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report.

N/A

V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Improvements to timeliness in responding to pending FOIA requests and reductions in backlogs is an ongoing agency effort. Both the President and the Attorney General emphasized the importance of improving timeliness in responding to requests. Section XII of your Annual FOIA Report includes figures that show your agency's backlog of pending requests and administrative appeals

for the previous fiscal year and for this current fiscal year. Your Chief FOIA Officer Report should address the following elements.

1. If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of the numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and in terms of the age of those requests and appeals.

OSTP does not have a backlog of cases. In 2008, OSTP had a backlog of 9 requests at the end of the fiscal year. In 2009, OSTP worked to reduce the backlog of cases with the addition of a temporary employee working, in part, on FOIA, and ended the year with 1 pending request. That 2009 request has now been answered.

2. If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

OSTP does not have a backlog of cases. In 2008, OSTP had a backlog of 9 requests. In 2009, OSTP worked to reduce the backlog of cases with the addition of a temporary employee working, in part, on FOIA, and ended the year with 1 pending request. That 2009 request has now been answered.

3. Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

OSTP attempts to pre-coordinate with other agencies when multiple agencies have an interest in the documents being FOIAed. If possible, OSTP will resolve any questions with the other agencies prior to sending the requestor a response rather than sending batches of documents to multiple agencies. In this way, the requestor receives one complete (and more timely) result.

Additionally, OSTP sends interim results when possible.