

# 2016 Chief FOIA Officer Report

## Office of National Drug Control Policy

### Section I: Steps Taken 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.

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.

100%. Due to its small size, ONDCP does not have personnel assigned full time to administration of its FOIA program. FOIA duties have been assigned primarily to two personnel in the Office of Legal Counsel, both of whom did attend DOJ FOIA training in 2015.

3. 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.

Not applicable.

#### Discretionary Releases:

4. Does your agency have a distinct process or system in place to review records for discretionary release?
  - If so, please briefly describe this process.
  - If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?

Before a response is provided to the requester, the officer responsible for the FOIA program reviews the material to ensure that where an exemption applies, the records will be withheld or redacted only where ONDCP is able to articulate the harm that would result from the release of such information. The vast majority of ONDCP’s responses are made either without redactions or with minor redactions for personal information.

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

No.

6. What exemption(s) would have covered the material released as a matter of discretion?

Not applicable.

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.

Not applicable.

8. If your agency was not able to make any discretionary releases of information, please explain why.

There were very few requests received by ONDCP in which ONDCP made any substantial redactions. In those very few instances, exemptions applied and ONDCP could articulate the harm that would result from release.

**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.

ONDCP is in the process of updating its Open Government plan.

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

**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.*

ONDCP did not grant or deny any requests for expedited processing because the few requests for expedited processing received by ONDCP were responded to substantively before a decision needed to be made on the request for expedited processing.

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** 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.

ONDCP did not send out any “still interested” letters.

**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.

ONDCP updated the contact information for ONDCP’s FOIA program and Public Liaison on our website. The past year, ONDCP has had phone calls with requesters more frequently to clarify existing requests and to help requesters get a better idea of what types of documents ONDCP has.

- If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here.

Not applicable.

**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.

The Chief FOIA Officer has implemented an improved system of reminders for agency components to respond in a timely manner to requests for records. For FY 2016, ONDCP is beginning to track simple and complex FOIA request separately.

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

**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.

ONDCP received less than 50 requests this year, so we are able to monitor if certain records were frequently requested. ONDCP does proactively disclose numerous documents on its website on a regular basis.

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.
- Please note that this question is directed towards proactive disclosure of records that go beyond frequently requested records required to be posted under Subsection (a)(2) of the FOIA.

Whenever members of ONDCP's staff, particularly its Office of Public Affairs or Office of Research and Data Analysis, believe that certain documents or data would be helpful to the public, we proactively disclose such information on our website.

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? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.
  - 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.

FOIA professionals not involved in posting.

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.

Much of the information ONDCP uses in formulating policy comes from publicly available sources generated from outside the agency. However, the ONDCP Office of Research and Data Analysis contracts for significant research studies regarding drug use and its consequences which are made available to the public on the ONDCP website. The Office of Research and Data Analysis also produces a compendium of drug-related data each year which is made available to the public electronically in a Data Supplement to the National Drug Control Strategy. The ONDCP website is at <http://www.whitehouse.gov/ondcp> In responding to a FOIA request, ONDCP also proactively disclosed a report that ONDCP found on the website of the Drug Enforcement Administration that describes various drugs.

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.
  - For example, this can be done through social media or with the offering of e-mail subscription services.

Yes, ONDCP does use press releases, social media, email, and other means to inform the public about information that may be of interest.

**Other Initiatives:**

8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

ONDCP has made an ongoing effort to provide more substantive information and data on its website, through email, and through social media.

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

**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?
  - 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.

ONDCP is already making information available to the public in its most useful format.

2. If yes, please provide examples of such improvements.
  - If your agency is already posting material in its most useful format, please describe these efforts.

ONDCP posts data in formats that can be used by researchers. ONDCP posts a significant amount of data on drug-related topics in tabular form, and sometimes our website is the only source for such data.

**Other Initiatives:**

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

ONDCP posted the reports on ONDCP's website. The data did not appear initially on FOIA.gov, but we worked with OIP to resolve technical issues.

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.

ONDCP resolved link discrepancies to allow FY15 quarterly reports posted on ONDCP's website to link to FOIA.gov, and plans in FY16 to post all quarterly reports with data appearing on both ONDCP's website and FOIA.gov.

5. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible?

Yes, ONDCP use e-mail and fax to communicate with requester when feasible.

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?

Not applicable.

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

#### **Simple Track:**

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

Yes, but only beginning in FY 2016.

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?

Not applicable because ONDCP just began using the separate track system in FY 2016.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

Not applicable.

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?

No

#### **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?

Yes. (FY 2014 – 7 request; FY 2015- 1 request).

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.

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.
  - 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.

2%

**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?

There was no backlog of appeals in either year.

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.

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 "N/A."

- 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.

Not applicable.

**Ten Oldest Request:**

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?

Yes.

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.

- 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.

All seven requests pending in FY 2014 were closed.



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?

None of the requests were withdrawn.

**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?

None pending from 2014.

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.

- 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.

None pending from 2014.

**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?

None pending from 2014.

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.

- 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.

None pending from 2014.

**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.

**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.