

2011 Chief FOIA Office Report for the Office of National Drug Control Policy

I. Steps Taken to Applying Presumption of Openness

1. The Office of Legal Counsel informs ONDCP management and employees of the FOIA guidelines and conducts FOIA training. Course material is available to every employee, and individual guidance is provided each employee asked to respond to the FOIA request. The new guidance (AG Memorandum) concerning openness is provided in the training material.

Each FOIA request is reviewed by the Office of Legal Counsel to ensure that where an Exemption applies, the records will be redacted only where ONDCP is able to articulate the harm that will result from the release of such information. FOIA Exemption 6 was the most cited Exemption for redactions. Consequently, the number of discretionary releases did not increase. However, ONDCP does participate in Open Government initiatives by making raw data and other reports available by website.

Administration Guidance on FOIA has been shared by the FOIA Officer with ONDCP Leadership. Working with the FOIA Officer ONDCP has implemented the guidance in its FOIA Policies.

The Office of Legal Counsel has not been faced with a situation in which we released information that was exempt. Therefore no exemption was needed to cover any information that was not supposed to be released.

2. ONDCP reduced from three to zero the number of “full denials” based on FOIA Exemptions. That is, where ONDCP located a record responsive to the request, no requester received a full denial. The number of full grants went from 44% to 31%. The increase results from a higher percentage of requests that imputed Privacy concerns.

The number of partial grants for 2010 is 5 and the number of partial grants for 2009 is 3.

II. Steps Taken to Ensure an Effective System for Responding to FOIA Requests

ONDCP and its technology manager discussed, as a part of a larger IT needs assessment, what improvements may be made in responding to FOIA requests, including the addition of new technology. The potential for adding new technology was part of an IT needs analysis conducted in November 2010. A final determination has not been made, but as a general rule the number of FOIA requests received does not justify costly improvements.

Staffing has not been a significant issue. However, part of the IT assessment includes the cost of reducing staff time through improvements in technology.

There are three staff members in ONDCP, Legal Counsel, who work with the Freedom of Information Act (FOIA) program. There are several IT staff members available to assist us in completing the different FOIA tasks that we received from the Dept. of Justice.

Last year, ONDCP posted our Agency's open government plan: <http://whitehouse.gov/open/around/eop/ondcp/plan>. It includes a section on ONDCP's FOIA, along with related information.

The Office of National Drug Control Policy, FOIA Program and the ONDCP Open Government have continual direct interaction.

The Office of National Drug Control Policy has a Senior Attorney that oversees the FOIA Program, a Deputy General Counsel who manages the FOIA Program, and a FOIA Public Liaison who handles the requests, and the FOIA Log for our agency. These individuals have been in control of the FOIA Program for the past 12 years, attending FOIA classes, seminars, and government wide meetings concerning updates of the Freedom of Information Act given by the Dept. of Justice.

III. Steps Taken to Increase Proactive Disclosures

ONDCP makes publicly available the 2011 National Drug Control Strategy, the Strategy Data Supplement, and the 2010 data analysis reports such as the Arrestee Drug Abuse Monitoring (ADAM II) Program. ONDCP makes available not only the final analysis but also the raw data for other researchers to review. Moreover, ONDCP uses blogs, microblogs, and widgets to amplify agency communications.

The Office of ONDCP receives a small number of FOIA requests. Therefore, it is not burdensome for FOIA staff to manually review each request and handled each one appropriately through the different components in our agency. A generated commercial electronic filing system is used by our Public Liaison for FOIA where names, dates, information, status, and completion for all Freedom of Information Act requests are maintained. At the end of the year ONDCP annual report is submitted to the Dept. of Justice, Office of Information Policy through a generated commercial database and then placed on ONDCP website in several different formats.

On ONDCP website there is a publication link to drug policy documents by ONDCP and other federal agencies for public access.

IV. Steps taken to Utilize Technology

ONDCP has one FOIA component. It receives FOIA requests by electronic facsimile transmission and U.S. Mail. The ONDCP FOIA component tracks FOIA requests via a centralized electronic database. The ONDCP FOIA component is currently determining as part of its IT needs analysis whether additional technology is cost effective. The Annual FOIA report is prepared from the centralized electronic database and converted to generic COTS (commercial off the shelf) to meet Justice requirements. This way of processing FOIA has been used by

ONDCP for the past several years. ONDCP is considering the cost/benefit of purchasing an automatic FOIA report generator.

V. Steps Taken to Reduce Backlogs and Improve Timeliness

ONDCP is not backlogged for 2009 and 2010, and timely responds to FOIA Requests.

The Office of National Drug Control Policy sets a goal each fiscal year of having no pending FOIA at the year end. Through electronic tracking of the status of all requests we have been successful in accomplishing this goal. The Office of National Drug Control Policy FOIA staff has not changed in 12 years. ONDCP FOIA has utilized internal technology for FOIA processing and tracking the past few years. The Chief FOIA Officer oversees all progress of the FOIA program.

Spotlight on Success

In November 2010, The Office of National Drug Control Policy received a request from The Department of Justice, Office of Information Policy to convert by December 6, 2010 our Annual FOIA report to a XML file. Not having the same IT equipment as Justice became a task for our FOIA program. We had to receive the electronic instructions from justice and a zip file had to be brought over to ONDCP by carrier in order for this task to be completed. The Public Liaison for FOIA in our agency began a tedious, quest to convert our annual FOIA report into an xml file. Though difficult and time consuming Justice worked with ONDCP's Public Liaison and through our IT component the task was completed.