Office of the Director of National Intelligence Chief FOIA Officer Report

This report covers the period beginning with the date of the Attorney General's Memorandum on the FOIA (March 19, 2009) through March 1, 2010 and outlines the steps the ODNI has taken to "improve FOIA operations and facilitate information disclosure."

1. <u>Steps Taken to Apply the Presumption of Openness</u>

By Memorandum to the Workforce, dated May 21, 2009, ODNI's Chief FOIA Officer affirmed ODNI's commitment to accountability and transparency. In that memorandum, the Chief FOIA Officer reminded all agency employees that unless disclosure of information would harm national security, cause an unwarranted invasion of personal privacy, or impede law enforcement proceedings, openness should prevail. The President's FOIA Memorandum and the Attorney General's FOIA Guidelines were attached to that memorandum to ensure widest dissemination. While the Attorney General's FOIA memo only required dissemination to FOIA professionals ODNI's Chief FOIA Officer thought it was important to send the memo to the entire workforce to highlight the importance of the FOIA.

For fiscal year 2009, ODNI had an increase in the number of requests where records were released in full and in part. For records released in full, our FY08 report showed only five cases. In FY09 we responded with a release in full to 18 requests. For records released in part, our FY08 report showed only five cases. In FY09 we responded with a release. In FY09 we responded with a release.

2. <u>Steps Taken to Ensure that ODNI Has an Effective System for Responding to</u> <u>Requests</u>

In the memorandum referenced above, the Chief FOIA Officer made it clear that the FOIA is the responsibility of each employee. While the FOIA office has the leading role in processing requests, every individual plays a part in ensuring full compliance with all aspects of the FOIA.

As a relatively new agency, ODNI has been building its FOIA program since its inception in 2005. The FOIA office recently hired a full-time individual to process FOIA requests, and is in the process of filling a second position to oversee the daily administration of the FOIA.

ODNI has always worked with an electronic FOIA management system. The FOIA office is in the process of adding components to that system that will allow for electronic redaction.

3. Steps Taken to Increase Proactive Disclosures

Since its inception, ODNI has maintained a robust public website. Documents expected to be of public interest are routinely posted by various agency components. The FOIA webpage is frequently updated as new Intelligence Community policies are published. In addition, records released via the FOIA are often posted to the public website.

4. Steps Taken to Greater Utilize Technology

- Does your agency currently receive requests electronically? Yes. FOIA requests can be submitted to the ODNI via email to <u>DNI-FOIA@dni.gov</u>
- 2) Does your agency track requests electronically? Yes
- 3) Does your agency use technology to process requests? No
- 4) If not, what are the current impediments to your agency utilizing a system to track requests electronically? ODNI is in the process of adding a component to its electronic system that will allow for electronic redaction and processing. This is expected to be complete within the next month.
- 5) Does your agency utilize technology to prepare your agency Annual FOIA Report? Yes

5. <u>Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to</u> <u>Requests</u>

ODNI experienced a nearly 30% increase in cases received for FY09, which has caused a slight increase in backlog. ODNI reported a backlog of approximately 66 requests for FY09. This is an increase of three backlogged cases compared to our FY08 report. For two years in a row, ODNI has reported no backlogged appeals.

By increasing FOIA staff and adding the ability to process requests electronically, ODNI is expecting to see a decrease in its backlog for FY10.