

2017 CHIEF FOIA OFFICER REPORT  
to the  
Office of Information Policy

**Office of the General Counsel**



**Court Services and Offender Supervision Agency**

**2017 Chief FOIA Officer Report**

**Sheila Stokes, General Counsel**

**Section 1: Steps Taken to Apply the Presumption of Openness**

**A. 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, the FOIA professionals at the Court Services and Offender Supervision Agency (CSOSA) did attend training for Fiscal Year 2016 (FY 2016).**

2. If yes, please provide a brief description of the type of training attended and the topics covered.

**CSOSA's FOIA professionals attended the American Society of Access Professionals (ASAP) 9th National Training Conference and the Department of Justice's FOIA for Attorneys and Access Professionals.**

**ASAP's training addressed the FOIA and Privacy Acts for an extensive three (3) days covering intermediate/advanced topics such as exemptions, FOIA fees, records management, SORNs, PIAs, and FOIA in the Tech Age.**

**DOJ's FOIA for Attorneys and Access Professionals addressed FOIA administration and the interface between the FOIA and the Privacy Act for an extensive two (2) days covering basic principles for processing FOIA requests from start to finish.**

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

**CSOSA has two (2) full-time employees that are FOIA professionals. 100% of the FOIA professionals attended substantive training.**

4. 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.**

## ***B. Outreach***

5. *OPTIONAL*: Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

**Yes, CSOSA's FOIA professionals engaged in dialog and collaborated with its requester community regarding first-party requests that involve referrals and/or consultations on non-federal records. In addition, cross-trainings and meetings were held with the requester community to provide updates on new processes and changes for CSOSA's FOIA Office.**

## ***C. Other Initiatives***

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?

**CSOSA's FOIA Office created a Search Memorandum that is sent to program offices within the agency. This Search Memorandum describes the FOIA requests and their obligations under the FOIA. Furthermore, the FOIA Office created a one-page infographic that provides a snapshot of what FOIA is and how requests are processed. Lastly, training is provided to new staff members during new hire orientation.**

7. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

**A majority of CSOSA's FOIA requests are first-party requests (approximately 99%), which require a signed release; however, CSOSA has begun to send acknowledgment letters to all its requesters once a request is received.**

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

The DOJ's 2009 FOIA Guidelines 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.

### ***A. Processing Procedures***

1. For Fiscal Year 2016, 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 2016 Annual FOIA Report.

**CSOSA did not adjudicate any FOIA requests for expedited processing in FY 2016.**

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. *OPTIONAL*: During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

**CSOSA's FOIA Office did conduct a self-assessment/audit of its FOIA program. Data for the past five (5) years were retrieved from FOIA Xpress to ensure that requests were processed in a timely manner. The data was provided to the Office of General Counsel to provide resources in order to ensure that its FOIA program is compliant with Federal Regulations.**

4. Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

**CSOSA's FOIA Office processed three (3) requests from commercial organizations in FY 2016. CSOSA is not a decentralized agency.**

### ***B. Requester Services***

5. *OPTIONAL*: Does your agency provide a mechanism for requesters to provide feedback about their experience with the FOIA process at your agency? If so, please describe the methods used, such as making the FOIA Public Liaison available to receive feedback, using surveys posted on the agency's website, etc.

**CSOSA's FOIA Office utilizes the acknowledgment correspondence to advise and provide requesters contact information to the FOIA Public Liaison. Requesters are given the option to call and/or e-mail the FOIA Public Liaison with any questions and/or concerns regarding the request.**

6. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison.

**Requesters sought assistance from CSOSA's FOIA Public Liaison approximately 5-10 times per month. This was calculated based on e-mail correspondence received from requesters.**

7. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.

**Currently, CSOSA's reference guide is available at <http://www.csosa.gov/about/foia/csosa-guide.aspx>.**

### *C. Other Initiatives*

8. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

**CSOSA's FOIA Office has undertaken the following steps to ensure that its FOIA program operates efficiently and effectively:**

- **Updated its FOIA regulations as required under the FOIA Improvement Act of 2016**
- **All FOIA records are stored electronically in FOIAX from intake to closure; no more paper files are stored**
- **New implementation of routing sheets on every case, which delineates review process**
- **Creation and distribution of Production Schedules (as a matrix) to ensure cases are closed in a timely manner**
- **Completed multiple trainings to CSOSA's FOIA team outlining responsibilities from intake to closure and how to meet these responsibilities**
- **New implementation of sending acknowledgment correspondence and search memorandums via FOIA Xpress (not via Outlook)**
- **New implementation of separate review layers are saved for each reviewer**
- **New implementation of utilizing request notes to properly document cases (ie. phone log)**
- **New implementation of marking pages within FOIA Xpress to prevent ambiguity amongst reviewers**

- **New implementation of creating sections within Supervision Documents to organize records for referrals and/or consultations**

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

Both the President's and DOJ's 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.

#### ***A. Posting Material***

1. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

**A majority of CSOSA's FOIA requests are first-party requests (approximately 99%), which are not required to be posted online; however, the database utilized to process CSOSA's FOIA requests does have a method of pulling up prior records for identical first-party requesters.**

**In order to identify if other records are frequently requested, a keyword search is conducted in CSOSA's database within the file cabinet for document management.**

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.

**CSOSA identifies records for proactive disclosure if such records are frequently requested. In order to identify if other records are frequently requested, a keyword search is conducted in CSOSA's database within the file cabinet for document management.**

**If a request is not submitted by a first-party and/or a first-party's representative, CSOSA is considering how it could implement a release to one, release to all presumption where records released to a requester are also posted online.**

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

**Not applicable.**

4. If so, briefly explain those challenges and how your agency is working to overcome them.

**Not applicable.**

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

**Examples of materials that CSOSA has proactively disclosed during the past reporting year are quarterly reports, annual reports, regulations, and Chief FOIA Officer reports. The link is as follows:  
<http://www.csosa.gov/about/foia/foia-reports.aspx>.**

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

**Not applicable.**

#### ***B. Other Initiatives***

7. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

**Not applicable.**

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

A key component of the President's FOIA 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.

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.

#### ***A. Making Material Posted Online More Useful***

1. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

**Yes.**

2. If yes, please provide examples of such improvements.

**CSOSA's FOIA reference guide will be updated to be more useful to the public.**

***B. Other Initiatives***

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2016?

**CSOSA did not successfully post all four quarterly reports for FY 2016.**

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 2017.

**CSOSA's FOIA Office did not successfully post all four quarterly reports for FY 2016 because CSOSA was transitioning with employees. Furthermore, resources were needed to improve its processing. Currently, its primary focus was ensuring compliance, completing its regulations, and reducing its backlog.**

**In order to ensure successful reporting for FY 2017, quarterly reports will be assigned as a project with deadline dates.**

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

The President's FOIA Memorandum and the DOJ's 2009 FOIA Guidelines 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 2016 Annual FOIA Report and, when applicable, your agency's 2015 Annual FOIA Report.*

***A. 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 2016, was the average number of days to process simple requests twenty working days or fewer?

**22.15.**

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.

**Approximately 99.6 %.**

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.**

### ***B. 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 2015 and Fiscal Year 2016 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 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog.

**CSOSA's backlog decreased from 21 requests in FY15 to 1 request in FY16.**

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

- 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.

**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 2016.

**CSOSA's backlog makes up .1% of the requests received in FY16.**

### **BACKLOGGED APPEALS**

8. If your agency had a backlog of appeals at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce backlog.

**Not applicable.**

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

- 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.

**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 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

**Not applicable.**

### ***C. 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 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

### **TEN OLDEST REQUESTS**

11. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 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 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

**Not applicable.**

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?

**From CSOSA's ten oldest, zero cases were closed because due to being withdrawn by the requester; as such, no interim responses were provided.**

### **TEN OLDEST APPEALS**

14. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

**Not applicable (there were no appeals).**

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 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

**Not applicable.**

### **TEN OLDEST CONSULTATIONS**

16. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 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 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

**Not applicable.**

***E. 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 2015.

**The primary obstacle CSOSA's FOIA Office faced with closing its ten oldest requests were obtaining records from program offices and communication challenges with the requesters.**

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 2017.

**Not applicable.**

***F. Success Stories***

*OPTIONAL:* Out of all the activities undertaken by your agency since March 2016 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use

bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

**CSOSA collaborated with the requester community regarding referrals/consultation on police records. A quasi-agreement was reached and CSOSA provided cross-training to the requester community on how to submit FOIA requests online.**