



**Peace Corps**

**2019 Chief FOIA Officer Report**

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

The guiding principle underlying DOJ's FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

### **A. FOIA Leadership**

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above this level?

Yes.

2. Please provide the name and title of your agency's Chief FOIA Officer.

Jeffrey M. Harrington, Associate Director for the Office of Management, has served in this position since December 8, 2017.

### **B. FOIA Training**

3. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes.

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

FOIA Staff attended the Department of Justice Annual FOIA Report training, took the online FOIA training for Professionals (three hours) presented through Joint Knowledge Online.

5. 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 percent.

6. 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 (N/A).

### **C. Outreach**

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency’s FOIA administration.

Yes. The FOIA Office encourages requesters to contact the office if they have any concerns with final responses, especially regarding withheld information or the records search results. This explanation may help the requester to understand the reason(s) supporting our response. He or she can coordinate with OGIS or submit an appeal if there is still disagreement. We also contacted some of our frequent requesters prior to government lapse in funding, explaining that we would not be available during this time, and provided a status on open cases. We wanted to ensure that there was a sense of understanding and that we would resume our process as soon as staff were called back from furlough.

### **D. Other Initiatives**

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In 2016, the Department publicized FOIA-related performance standards for employees that have any role in administering the FOIA, including non-FOIA professionals. Please also indicate whether your agency has considered including FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA.

The FOIA Officer distributed the performance standards and measures for FOIA support positions to all component FOIA Points of Contact, as outlined in the Department of Justice memo, “Ensuring Compliance with Freedom of Information Act and Open Government Directive Requirements in Employee Performance Appraisal Records and Work Plans.” This first-time agency initiative provided supporting staff with the details for the annual performance plan outlining performance standards, measures, as well as general responsibilities and duties in support of the FOIA. The FOIA Office also shared the web links to the original memorandum, dated October 2, 2015, and to OIP’s web posting highlighting this matter, dated January 7, 2016.

<https://www.justice.gov/jmd/file/789236/download>

<https://www.justice.gov/oip/blog/doj-stresses-importance-foia-and-open-government-through-performance-standards-employees>

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.

The Peace Corps FOIA office established the intranet FOIA Resource Center page accessible to staff across the United States and 58 international post stations that serve 61 countries. The FOIA Office provides monthly FOIA training to all new staff members as part of the agency’s onboard training, the New Employee Orientation (NEO). We also instruct each office’s FOIA Point of Contact with one-to-one introduction, as well as group training. We conduct annual supervisory FOIA training and specialized onboarding leadership training. The FOIA Officer also closely reviews to each case’s administrative search procedures to ensure all responsive records are provided for a request. The FOIA office then follows up with any questions that may have been identified to ensure thoroughness before closing a case.

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

DOJ’s FOIA Guidelines emphasize 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.

1. For Fiscal Year 2018, 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 2018 Annual FOIA Report.

Seven days.

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.

N/A.

3. 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.

•Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

The workflow was assessed, as well as the organizational case structure.

Administrative tools were added to help standardize case processing and assist the FOIA Specialist in making informed decisions. The practice of submitting paper records for a records search was eliminated in order to reduce case processing steps, time, and resources. Similar steps were taken to restrict the types of electronic media used to provide responsive records to standardize responses and save time for the FOIA Specialist working the case. Additionally, the FOIA Office now runs reports to identify offices with outstanding record search taskers. There is now a process to effectively coordinate on later search taskers.

4. 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 the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2018 (please provide a total number or an estimate of the number).

Zero. The FOIA office provides an explanation of OGIS' service and contact details in the closing letter. We also reiterate the option of contacting OGIS during dialogue regarding any disagreements prior to appeal.

5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.

The FOIA office staff meets on a weekly basis to discuss events, specific case questions, learn about best practices and FOIA updates. Weekly FOIA metrics are provided to the Chief FOIA Officer, who shares these with the senior level staff. We place a high priority on communication to ensure the mechanism of the FOIA process runs smoothly, from the early stage of a record search, to the closing legal review. The Central FOIA inbox is also carefully monitored to provide timely responses to case status inquiries. There are still improvements to be made, such as closing our top ten oldest cases. We are taking steps to try to close these within this fiscal year.

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

The Department of Justice has long 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.

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

The Peace Corps posts country impact studies, policies, reports and statistical information, in our Open Government page. The visitor can organize these into categories based on Report Type, Report Topic, Year, and Countries. The Peace Corps website also makes thousands of pages of general material accessible though the search tool located at the top right of every webpage. A key word or term must be entered for a query result.

<https://www.peacecorps.gov/about/open-government/reports/>

2. Please describe how your agency identifies records that have been requested and released three or more times (and are therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a)(2)(D)).

We categorize all requests based on search topics or themes to help identify identical or similar requests within our online FOIA database. We also maintain a reference list of FOIA requests since 2010, which is periodically published as part of the FOIA log.

3. 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.

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

The Peace Corps posts its country impact studies, policies, reports and statistical information on the Open Government page. Material is made available in a timely manner. There are currently 604 documents available for inspection. This is separate from the general document search available to the public.

<https://www.peacecorps.gov/about/open-government/>

5. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

The Peace Corps is very proactive in providing regular record releases, as seen by searching the website for a topic of interest. The FOIA Office is working on posting FOIA material requested two times, rather than three requests. Part of the new FOIA Officer's initiative is to make more records of interest available to the Returned Peace Corps Volunteer (RPCV) community and to the public.

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

A key component of FOIA administration is using technology to make information more accessible. 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.

1. Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used. If not, please explain why and please describe the typical search process used instead.

Yes. The Peace Corps ensures that all electronic records are E-discoverable by maintaining them in secure network file servers or in secure systems. Peace Corps computer user profiles are also set up to restrict users from saving or storing files on their local C Drive. All file storage services are directed to secure network file servers. Peace Corps network file servers have redundancy built in to ensure data integrity and availability. The FOIA office coordinates with the Office of the Chief Information Officer and the Office of General Council to conduct email searches using Exchange E-Discovery in response to a FOIA request. Additionally, our Records Management email policy has implemented email record retention based on the National Archives Records Administration's General Records Schedule 6.1: Email Managed under a Capstone Approach (<https://www.archives.gov/files/records-mgmt/grs/grs06-1.pdf>). Under Capstone, government email is categorized for retention or disposal based on the title or position of the email sender. Peace Corps utilizes a preservation-in-place method of email record retention and Capstone officials cannot delete email records. Email accounts designated as Capstone are permanent records to be transferred 15 years after separating from the agency. All non-Capstone staff emails are treated as temporary records and destroyed seven years after separating from the agency.

2. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

The FOIA website has been reviewed for compliance with the OIP's guidance, "Agency FOIA Websites 2.0." We are restructuring the layout and adding specific details regarding the FOIA to make it a more informative experience for the visitor and potential FOIA requestor.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2018?

No.

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 2019.

The new FOIA Officer is posting for Fiscal Year (FY) 2019, Quarter 1, and will regularly submit and post quarterly reports. We are also submitting the prior FY 2018 quarterly reports.

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2017 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report.

Fiscal Year 2017: <https://www.peacecorps.gov/about/open-government/foia/>

6. Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

The FOIA Office implemented a new online case system in the spring of 2018. This is linked to the online FOIA request portal, Public Access Link (PAL). The user can access PAL on the FOIA.gov page as well as through the Peace Corps' FOIA webpage. Other key best practices are the implementation of an internal FOIA and Privacy Act Resources pages for agency-wide use, and setting up online training modules for all staff members through our Office of Staff Learning and Development. Additional best practices include E-Discovery for electronic records searches, the use of Capstone emails, as described above. The Peace Corps has made great strides to update its electronic Records Management program this past year, which is essential for a healthy FOIA program. Challenges for the FOIA program include reduced staff. We continue to work on improving our response times through the advantages of the technological features described herein.

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

The Department of Justice has 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 2018 Annual FOIA Report and, when applicable, your agency's 2017 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? If your agency uses a multi-track system beyond simple, complex, and expedited to process requests, please describe the tracks you use and how they promote efficiency.

Yes.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2018?

No.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2018 that were placed in your simple track.

90 percent.

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?

N/A.

### **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 2016 and Fiscal Year 2017 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 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

No.

6. If not, did your agency process more requests during Fiscal Year 2018 than it did during Fiscal Year 2017?

No.

7. If your agency's request backlog increased during Fiscal Year 2018, please 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.

FOIA/Privacy Act Office experienced a permanent reduction in its FOIA staff in response to OMB Memorandum M-17-22, and a loss of one contractor.

8. 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 2018. If your agency has no request backlog, please answer with "N/A."

41 percent.

## **BACKLOGGED APPEALS**

9. If your agency had a backlog of appeals at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

N/A.

10. If not, did your agency process more appeals during Fiscal Year 2018 than it did during Fiscal Year 2017?

N/A.

11. If your agency's appeal backlog increased during Fiscal Year 2018, please 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.

N/A.

12. 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 2018. If your agency did not receive any appeals in Fiscal Year 2018 and/or has no appeal backlog, please answer with "N/A."

N/A.

### **C. Backlog Reduction Plans**

13. In the 2018 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2017 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction

plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2018?

We are implementing a backlog reduction plan by trying to close two cases per month. However, we did not have a backlog of over 1,000 requests.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2018, what is your agency's plan to reduce this backlog during Fiscal Year 2019?

N/A. We did not have a backlog reaching this number.

#### **D. Status of 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 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

#### **OLDEST REQUESTS**

15. In Fiscal Year 2018, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

No.

16. 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 2016 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

Three.

17. 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.

Zero.

If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

N/A.

18. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

We have reorganized the case layout and added key content to improve a case's review time. Changes include the implementation of a case matrix and summary for easier review by the FOIA Officer and legal counsel; providing individual PDF documents, rather than combining all records into one electronic file; assigning document numbers to each responsive record; and removing duplicate emails from the case review. All of these steps have improved the review time and overall presentation of the response.

### **TEN OLDEST APPEALS**

19. In Fiscal Year 2018, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

N/A.

20. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

N/A.

21. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

N/A.

### **TEN OLDEST CONSULTATIONS**

22. In Fiscal Year 2018, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

N/A.

23. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

N/A.

#### **E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans**

24. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2018.

Voluminous responsive records, revision of the cases to remove duplicate records, and the FOIA/Privacy Act Office experienced a permanent reduction in its FOIA staff in response to OMB Memorandum M-17-22.

25. 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.

N/A.

26. 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 2018.

We reorganized our administrative case processing methods to make it easier to finalize the review of documents and equities. A new contractor started in September to assist in our overall load. We are also tracking the progress of each of the ten oldest, with weekly status reports to the FOIA Officer and to the Chief FOIA Officer.

#### **F. Success Stories**

Out of all the activities undertaken by your agency since March 2018 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, OIP

will highlight these agency success stories during Sunshine Week. 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.

Serving as a Peace Corps Volunteer is a life-changing experience. Those who serve become part of a global service community spanning nearly six decades since the Peace Corps' creation 58 years ago this month. These are our Returned Peace Corps Volunteers (RPCVs). Many use FOIA as a means to continue to monitor Peace Corps developments, gather historical records of interest, and provide services to other RPCVs. Our FOIA Office provided the following memorable stories:

1. A family member of an elderly RPCV requested all records related to his father's service with the Peace Corps to share with him. We were able to turn this around within a working day so the family member could present it to him in time to appreciate it. This represents just one story how the FOIA/Privacy Act Office serves the RPCV community.
2. One FOIA Specialist's most memorable FOIA success story is when an RPCV asked for verification of other RPCVs to use on a website the requester created for returned Volunteers to connect with one another. The FOIA Specialist was happy to learn of the many successful relationships that have come out the requester's work. Since working at the Peace Corps' FOIA Office, the FOIA Specialist came to understand that RPCVs form a tight community who gladly share their stories with one another. Providing records through the FOIA helps them to continue this experience.
3. A person stopped by the Peace Corps Headquarters who was looking for a Peace Corps Volunteer whom he remembered as one of his teachers. He wanted to thank the Volunteer for his service, and for being a mentor to him and the children in his community. The visitor shared his story in his FOIA request, explaining that became a professional in the field of math and science. "My wish is to let him know that what he taught us was put into good use. His labor of love probably made me become a better engineer in my field."