



PEACE CORPS  
Chief FOIA Officer Report  
February 27, 2012

**Name and Title of Agency Chief FOIA Officer:**

Garry W. Stanberry,  
Acting Associate Director  
Management

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

**The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.**

**Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.**

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

The Peace Corps' FOIA Office has provided training on the new guidelines at New Employee Orientation every other Monday. The FOIA Office has also established a point-of-contact with each office within the Peace Corps. FOIA staff has provided training on the new guidelines to the office point-of-contacts. Additionally, FOIA staff has provided training on the new guidelines at Supervisory Training.

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

The FOIA/Privacy Act Specialist attended the Graduate School's Freedom of Information and Privacy Acts training in October, 2011.

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

3. Did your agency make any discretionary releases of otherwise exempt information?

Yes.

4. What exemptions would have covered the information that was released as a matter of discretion?

We review and determine if we can release records that may have formerly been withheld under FOIA Exemption 2 and in cases where there is no foreseeable harm, we release records that may have formerly been withheld under FOIA Exemption 5.

5. Describe your agency's process to review records to determine whether discretionary releases are possible.

Records which may contain exempt information are reviewed by the FOIA Officer. The Peace Corps' General Counsel reviews the FOIA Officer's determinations. The FOIA Officer also consults with the offices from which records originate to determine whether the records should be released. These reviews assure that the presumption of openness is routinely and consistently applied to the review of records under the FOIA.

6. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

We have held meetings at the senior staff level to discuss our implementation of discretionary releases. We are reviewing several steps in the FOIA process (such as proactive posting of information online).

In Section V.B.(1) of your agency's Annual FOIA Report, entitled "Disposition of FOIA Requests – All Processed Requests" the first two columns list the "Number of Full Grants" and the "Number of Partial Grants/Partial Denials." Compare your agency's 2011 Annual FOIA Report with last year's Annual FOIA Report, and answer the following questions:

7. Did your agency have an increase in the number of responses where records were released in full?

The agency experienced a 12% decrease in the number of responses where records were released in full. Specifically, the number of full grants was 75 in 2011 (51% of requests) and 113 in 2010 (63% of requests).

8. Did your agency have an increase in the number of responses where records were released in part?

The agency experienced a 7% increase in the number of responses where records were released in part. Specifically, the number of partial grants was 20 in 2011 (14% of requests) and 13 in 2010 (7% of requests.)

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

As the Attorney General emphasized in his FOIA Guidelines, "[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."

This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

1. Do FOIA professionals within your agency have sufficient IT support?

Yes.

2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?

The FOIA Officer and Chief FOIA Officer meet on an informal yet routine basis. Additionally, the FOIA Officer prepares a written report on the status of pending FOIA requests on a formally scheduled basis for the Chief FOIA Officer

3. Do your FOIA professionals work with your agency's Open Government Team?

We keep in contact with the Open Government Committee on matters of common interest with respect to maintaining frank discussions about areas where the agency can expand its transparency.

4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.

N/A.

5. Describe any other the steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

The Peace Corps' process for responding to requests follows:

- The FOIA specialist reviews the request, logs the request into the database, determines which office or offices have responsive documents and forwards the requests to the appropriate office(s).
- The office(s) return(s) the request to the FOIA/PA specialist with the responsive documents or certifies no records were found.
- The FOIA specialist reviews the responsive documents to ensure they are indeed responsive, consults with offices from which the documents originated, prepares a response letter and forwards the response letter and responsive documents to the FOIA Officer.
- The FOIA/PA Officer reviews the documents and approves or refers the documents to General Counsel for review if necessary.

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

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2011 to March 2012). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Has your agency added new material to your website since last year?

The Peace Corps has posted routine updates of documents posted on the website. A current list of the Peace Corps' proactive disclosures can be found at [www.peacecorps.gov/foia](http://www.peacecorps.gov/foia) and [www.peacecorps.gov/open](http://www.peacecorps.gov/open).

2. Provide examples of the records, datasets, videos, etc, that have been posted this past year.

Examples are safety reports, annual volunteer surveys, and early termination data. Statistical information on Peace Corps Volunteers is available through [www.peacecorps.gov/open](http://www.peacecorps.gov/open).

3. Describe the system your agency uses to routinely identify records that are appropriate for posting.

The Peace Corps currently does not have a formal system in place. In the past, the Peace Corps does routinely review and update its FOIA webpage, making selections on the basis of significance. We are currently reviewing this process and plan to put a more formal system in place.

4. Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc.?

The Office of Communications uses Facebook, Twitter, YouTube and other social media outlets to disseminate information about the Peace Corps.

5. Describe any other steps taken to increase proactive disclosures at your agency. We have held meeting at the senior staff level to discuss our application of discretionary releases. We are reviewing several steps in the FOIA process (such as proactive posting of information online).

#### **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. In 2010 and 2011, agencies reported widespread use of technology in handling FOIA requests. For 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.

##### *Electronic receipt of FOIA requests:*

1. Can FOIA requests be made electronically to your agency?

Yes, we can accept FOIA requests by fax or e-mail.

2. If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?

The only component within Peace Corps that receives and processes FOIA requests is the FOIA Office. The FOIA Office has the capability to receive FOIA requests electronically.

*Online tracking of FOIA requests:*

3. Can a FOIA requester track the status of his/her request electronically?

Currently, the FOIA requester must contact, the FOIA Office, by telephone or e-mail, for the status of his/her request.

4. If not, is your agency taking steps to establish this capability?

The FOIA Office has received funds to acquire a new FOIA tracking system. We expect that purchasing a new electronic system that will have this qualification.

*Use of technology to facilitate processing of requests:*

5. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Yes.

6. If so, describe the technological improvements being made.

The FOIA Office has received funds to acquire a new FOIA tracking system. We expect that purchasing a new electronic system that will have this qualification.

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

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section 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 and appeals. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2011 Annual FOIA Report.*

1. 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. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

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

Yes.

b. If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?

The average number of days to process simple requests was 31 days.

c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

N/A.

2. Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2011 as compared to Fiscal Year 2010. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2010 and Fiscal Year 2011 should be used for this section.

a. If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?

The number of backlogged requests increased from 10 to 23 or 57% in FY 2011.

b. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

The number of backlogged appeals increased from 0 to 2 in FY 2011.

c. In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?

We closed 9 of the 10 oldest requests pending at the end of Fiscal Year 2010.

d. In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

There were no pending administrative appeals at the end of FY 2010.

3. If you answered “no” to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog:

- a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

No.

- b. Was the lack of a reduction in the request backlog caused by a loss of staff?

No.

- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

While the number of complex requests decreased by 57% (11 in 2010 and 7 in 2011), the complexity of such requests has increased dramatically from 2010 to 2011.

- d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

Requests that are categorized as simple requests were, in some cases, time-intensive or resource-intensive. Because the agency celebrated its 50<sup>th</sup> anniversary during 2011, we received numerous requests concerning records of past decades.

Administrative Appeal Backlog:

- a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

There were no pending administrative appeals at the end of FY 2010.

- b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

There were no pending administrative appeals at the end of FY 2010.

- c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

There were no pending administrative appeals at the end of FY 2010.

d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

There were no pending administrative appeals at the end of FY 2010. However, there was a 38% increase in the number of appeals received compared to FY 2010. We have closed the two pending administrative appeals.

All agencies should strive to both reduce any existing backlogs or requests and appeals and to improve their timeliness in responding to requests and appeals. Describe the steps your agency is taking to make improvements in those areas. In doing so, answer the following questions and then also include any other steps being taken to reduce backlogs and to improve timeliness.

1. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

Yes, our goal is to process every FOIA requests received within the statutory time limits. This has not always been possible but this is what we hope to achieve. Additionally, the FOIA Officer prepares a written report on the status of pending FOIA requests on a routine basis for the Chief FOIA Officer.

2. Has your agency increased its FOIA staffing?

No.

3. Has your agency made IT improvements to increase timeliness?

No.

If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?

No.

### **Use of FOIA's Law Enforcement "Exclusions"**

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2011?

No.

2. If so, what is the total number of times exclusions were invoked?

N/A.

### **Spotlight on Success**

Out of all the activities undertaken by your agency since March 2011 to increase transparency and improve FOIA administration, describe here one success story that you would like to highlight as emblematic of your agency's efforts.

*Success Story (Stories):*

The Peace Corps has been discussing how to make agency records more accessible and readily available to the public. The Agency has been lending its support to its FOIA Administration by focusing more conscientiously on proactive and discretionary releases. In the past year, there have been numerous meetings with FOIA staff and senior staff within the agency to discuss moving forward with the review of previously exempted and highly protected documents. As a result of these meetings, two documents that were (in the past) withheld in their entirety were released to requesters by the FOIA Office.