



**Peace Corps**

**2020 Chief FOIA Officer Report**

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Chief Freedom of Information Act Officer**

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## **Section I: 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.*

V. Clark Presnell, Associate Director for the Office of Management (Acting), has served in this position since August 27, 2019.

### **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 members attended the Department of Justice's FOIA Best Practices Administrative Appeal Process Workshop (procedural topics were covered by FOIA leaders in OIP/DOJ, OSD, and DHS), and Introductory FOIA Training sessions (topics covered included FOIA Procedural Requirements, an overview of FOIA Exemptions, FOIA Resources, and the FOIA Requests Start to Finish). A new office member took the online FOIA training for Professionals (three hours) presented through Joint

Knowledge Online. The new office member also took foundational FOIA and Privacy Act Training Modules for two weeks, instructed by the FOIA/Privacy Act Officer.

*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, our FOIA professionals engaged in outreach and dialogue by participating in the Federal FOIA Advisory Committee meetings, the Chief FOIA Officers’ Council Meeting, as well as briefing all new staff members that they can submit a FOIA or Privacy Act request as a private “Other” category requester. The FOIA Office also notified all new requesters and our frequent requesters of a possible postponement in departmental operations and record searches due to our Headquarter building move between mid-October through mid-November of 2019. In general, the FOIA Office encourages requesters to contact us if there is a question about the final release decision, or an aspect of the final response, especially regarding withheld information or the search result for records. This is intended to help the public achieve a better understanding of the FOIA process. A dissatisfied requester can also coordinate with the Office of Government Information Services (OGIS), to mediate with the FOIA Office. An individual can submit an appeal if there is still disagreement after OGIS mediation, or

submit an appeal without engaging OGIS. We interacted with OGIS this year in lieu of an appeal.

#### **D. Other Initiatives**

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

The Peace Corps FOIA/Privacy Act Office hosts mandatory annual online training for all staff members with a section dedicated to the law and responsibilities under the FOIA. The FOIA Office also hosts an intranet FOIA Resource Center page to provide relevant information, web links, and documents to Peace Corps personnel across the U.S. and 58 international post stations serving 60 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 train each office's FOIA Point of Contact who facilitates the search process for each office or department. The FOIA Officer conducts specialized onboarding leadership training, as well as annual supervisory FOIA training.

The FOIA Officer continues to distribute 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 provides 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.*

No.

## **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 describes your agency's efforts in this area.

*1. For Fiscal Year 2019, 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 2019 Annual FOIA Report.*

One day.

*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 FOIA Office conducts an internal annual assessment to track the agency's overall workflow for responding to FOIA records searches. The purpose is to identify gaps, and reduce time, procedural steps, and the time involved for personnel. The agency had its first year of providing all record search responses in electronic format. The technical method of response has also been standardized and restricted to make it easier for the office to provide a record responses to the FOIA Office, as well as making it easier for the Government Information Specialist who responsible for managing a record search.

The FOIA Office also runs monthly reports to identify and follow up on overdue record searches.

*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 2019 (please provide a total number or an estimate of the number).*

Six.

*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, FOIA updates, and to share best practices. The FOIA Office provides the Chief FOIA Officer with weekly metrics. The FOIA Officer places a high priority on communication to ensure the mechanism of the FOIA process is understood and runs smoothly, from the early stage of a record search, to the final legal review. We categorize all requests based on search topics or themes to help identify identical or similar requests within our online FOIA database. The Central FOIA inbox is also carefully monitored to provide timely responses to case status inquiries. Challenges include closing our top ten oldest cases and working with overseas staff members who may be delayed in responding to record searches because they are travelling and away from the source of the records.

### **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 records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.*

The Peace Corps FOIA Office posts its annual FOIA log on its FOIA Library:

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

The Peace Corps also posts country impact studies, policies, reports and statistical information on its Open Government page. A 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 through 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. *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.

3. *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 631 documents available for inspection. This is separate from the general document search available to the public.

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

The Office of the Inspector General posts its reports on a separate webpage:

[https://www.peacecorps.gov/about/inspector-general/reports/?\\_ga=2.147505343.92273694.1586781029-1246879747.1577728713](https://www.peacecorps.gov/about/inspector-general/reports/?_ga=2.147505343.92273694.1586781029-1246879747.1577728713)

4. *Please describe:*

- *Best practices used to improve proactive disclosures and*
- *Any challenges your agency faces in this area.*

The Peace Corps is very proactive in routinely posting agency 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. The FOIA Officer tries to make 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 describes your agency's efforts in this area.

*1. Is your agency leveraging technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.*

The FOIA office reported all uses of technology to facilitate efficiency in its FOIA administration in the 2019 Chief FOIA Officer Report. There is not anything new to report.

*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 2019?*

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 2020.*

It is difficult to get one of our component's numbers, as FOIA is a collateral duty.

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 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.*

Fiscal Year 2018:

[https://s3.amazonaws.com/files.peacecorps.gov/documents/open-government/foia\\_annual\\_report\\_fy2018.csv](https://s3.amazonaws.com/files.peacecorps.gov/documents/open-government/foia_annual_report_fy2018.csv)

Fiscal Year 2019:

[https://s3.amazonaws.com/files.peacecorps.gov/documents/open-government/foia\\_annual\\_report\\_fy19.csv](https://s3.amazonaws.com/files.peacecorps.gov/documents/open-government/foia_annual_report_fy19.csv)

6. *Please describe:*

- *Best practices used in greater utilizing technology*
- *Any challenges your agency faces in this area*

The FOIA Office has used the online case management system, FOIAXpress, since mid-2018. This is linked to the online FOIA request portal, Public Access Link (PAL). A member of the public can access PAL on the FOIA.gov page as well as through the Peace Corps' FOIA webpage. The Peace Corps ensures that all electronic records are E-discoverable by maintaining them in secure network file servers or in secure online systems. All computer user profiles are 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 fully enforces the email record retention, to include the use of Capstone emails, 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. The 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. Other key technical best practice is use of the internal FOIA and Privacy Act Resources pages for agency-wide use, and setting up online training modules for all staff members though

our Office of Staff Learning and Development. The Peace Corps continues to update its electronic Records Management program this past year in support of OMB Memo M-19-21, "Transition to Electronic Records," which is essential for a healthy FOIA program. Challenges for the FOIA program include the low number of staff members who fulfill both FOIA and Privacy Act Programs. 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 2019 Annual FOIA Report and, when applicable, your agency's 2018 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 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 2019?*

No.

*3. Please provide the percentage of requests processed by your agency in Fiscal Year 2019 that were placed in your simple track.*

83 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 2018 and Fiscal Year 2019 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 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?*

No.

6. *If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?*

No.

7. *If your agency's request backlog increased during Fiscal Year 2019, 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.

The FOIA/Privacy Act Office has a small number of personnel and also supports the Privacy Act's program responsibilities.

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 2019. If your agency has no request backlog, please answer with "N/A."*

38 percent.

## **BACKLOGGED APPEALS**

9. *If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?*

N/A.

10. *If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal Year 2018?*

N/A.

11. *If your agency's appeal backlog increased during Fiscal Year 2019, 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 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2018 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 2019?*

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 2019, what is your agency's plan to reduce this backlog during Fiscal Year 2020?*

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 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

#### **OLDEST REQUESTS**

*15. In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 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 2018 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.*

Four.

17. *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 dialogued with some requestors to reduce the scope. We hired a contractor to balance the low number of government personnel.

## **TEN OLDEST APPEALS**

18. *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.

19. *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 2018 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.*

N/A.

20. *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**

21. *In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2018 Annual FOIA Report?*

N/A.

22. *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 2018*

*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**

*23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.*

The top ten oldest requests that are still open have voluminous responsive records, requires the identification and removal of duplicate email chain records, and one case required that we re-issue a record searches to confirm all records were located.

*24. 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.

*25. 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 2020.*

We are also tracking the progress of each of the ten oldest, with bimonthly 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 2019 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' inception 59 years ago. These are our Returned Peace Corps Volunteers (RPCVs). Many of the RPCVs 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 two memorable stories:

1. One of frequent requesters is an RPCV interested in Peace Corps history. She requested any records related to early preparation training from 1970. Although we did not have any records due to the legal record disposition, we were able to locate a state university that had sponsored the training and put her in touch with the university library that may have had related records.
2. We receive a few requests each year related to married couples who met while serving in the Peace Corps many years ago. We usually can find something that demonstrates their service, such as their Peace Corps service history files. Most are very pleased with the information which verifies they both served and met in the Peace Corps.