



*Council of the*  
**INSPECTORS GENERAL**  
*on INTEGRITY and EFFICIENCY*

**Chief FOIA Officer:** Mark Jones, Executive Director

Chief FOIA Officer's Report  
March 19, 2015

The Council of the Inspectors General on Integrity and Efficiency (CIGIE) submits this report in accordance with the Attorney General's FOIA guidelines issued on March 19, 2009, calling upon agencies to reaffirm the government's "commitment to accountability and transparency," and as directed in the Guidelines for 2015 Chief FOIA Officers Reports. CIGIE is a small-volume entity, processing less than 50 FOIA requests per year.

CIGIE is a Federal entity created by the Inspector General Reform Act of 2008 (P.L. 110-409) which charged CIGIE with "address[ing] integrity, economy, and effectiveness issues that transcend individual Government agencies, and increase[ing] the professionalism and effectiveness of personnel by developing policies, standards and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General." CIGIE's membership consists of 72 Federal Inspectors General, the Deputy Director for Management, Office of Management and Budget (DDM/OMB), and 5 other integrity related Federal executives. CIGIE's Executive Chairperson is the DDM/OMB, and CIGIE is led by an elected Inspector General member who serves as Chairperson. CIGIE currently employs seven (7) employees who support the activities and mission of CIGIE.

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

*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?

CIGIE does not employ any staff who process FOIA requests. Instead, CIGIE provides incoming requests to the Federal agency contracted to provide FOIA services for processing.

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

Not applicable.

3. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.

Not applicable. CIGIE does not employ any staff who process FOIA requests.

*Discretionary Disclosures:*

4. Does your agency have a distinct process or system to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.

CIGIE made discretionary releases of otherwise exempt content under the (b)(5) 'deliberative process' exemption. CIGIE's Chief FOIA Officer reviewed responsive records for requests containing this exemption and determined in several cases to release otherwise exempt deliberative process privileged information. In doing so, he conducts a foreseeable harm analysis; he releases otherwise deliberative process privileged content unless he identifies harm that would occur with disclosure.

5. During the reporting period did your agency make any discretionary releases of otherwise exempt information?

Yes.

6. What exemptions would have covered the information released as a matter of discretion?

CIGIE made discretionary releases of content in several requests which was otherwise exempt under 5 U.S.C. 552(b)(5).

7. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

Of the 38 requests CIGIE received in FY 2014, several requests were for various CIGIE committee meeting minutes or notes. CIGIE made discretionary releases of deliberative processed privileged content on these requests. Further, CIGIE made discretionary releases of deliberative content contained in email records after conducting a foreseeable harm analysis.

8. If your agency was not able to make any discretionary releases of information, please explain why.

Not applicable.

*Other Initiatives:*

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.

Requests are reviewed to make discretionary releases when practicable. In Fiscal Year 2014, the only FOIA exemption exerted by CIGIE which allowed for discretionary release of information was the (b)(5) 'deliberative process' exemption. CIGIE did not withhold any records under Exemption 2 or any other exemption allowing for discretionary release of information.

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

*Processing Procedures:*

1. For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing?

CIGIE did not receive any requests for expedited processing in Fiscal Year 2014.

2. If your agency's average number to adjudicate requests for expedited processing was above 10 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.

*Requester Services:*

3. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

Yes. CIGIE has a policy of notifying requesters of mediation services offered by OGIS. Further, CIGIE has made this information easily accessible by posting it on our FOIA website.

4. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication?

Yes. CIGIE provides this information in writing to the requester.

5. If estimated fees are particularly high, does your agency provide an explanation for the estimate to the requester?

Yes. CIGIE provides an explanation of any and all estimated costs to the requester.

*Other Initiatives:*

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancies, etc., please describe them here.

Not applicable.

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

*Posting Material:*

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures? If so, describe the system that is in place.

Yes. CIGIE's FOIA Officer proactively identifies records of interest to the public which are appropriate for disclosure, and he ensures that those documents are posted to CIGIE's website.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

No.

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

During this past year, CIGIE has received a number of requests for committee minutes.

4. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

CIGIE has added new material to its website this year, such as Integrity Committee Annual Reports, Training Institute schedules, and contact information for reporting fraud to the various Offices of Inspector General. Additionally, minutes from various CIGIE Committees have been added to the website.

5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

Not applicable.

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

##### *Making Posted Material 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 so, provide examples of such improvements.

CIGIE routinely posts reports and committee minutes to its website. These are provided as PDF documents, which is the most useful format.

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

Yes.

4. If so, please briefly explain what those challenges are.

CIGIE records are often created by previous or standing Committee chairs' respective agencies, requiring CIGIE to consult with other agencies before releasing records. This, in turn, makes it difficult for CIGIE to proactively disclose records without undertaking a lengthy consultation process.

##### *Other initiatives:*

1. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

Yes.

2. 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 for Fiscal Year 2015.

Not applicable.

3. Did your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? If yes, what are the different types of electronic means utilized by your agency to communicate with requesters?

Yes. Nearly all communications with requesters occurred via e-mail.

4. If your agency does not communicate electronically with requesters as a default, are there limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

Not applicable.

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

#### *Simple Track Requests:*

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

Yes. CIGIE processes requests using a multitrack processing system. There are four processing tracks: An expedited track, if the request qualifies; a simple track for relatively simple requests; a complex track for more complex and lengthy request; and a remanded track, when a FOIA appeal is granted.

2. If so, for your agency overall, for Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

According to CIGIE's 2014 Annual FOIA report, the average number of days to process simple requests was 34 days. The median number of days was 14.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

Of the 38 new requests received in fiscal year 2014, 35 were placed in the simple track, which is 92%.

4. 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?

Not applicable.

*Backlogged Requests:*

5. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?

Yes. At the end of Fiscal Year 2013, CIGIE had a backlog of 6 requests. At the end of Fiscal Year 2014, CIGIE had a backlog of 5 requests.

6. 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 2014.

Of the 38 new requests received in fiscal year 2014, 6 were pending at the end of Fiscal Year 2014, which is 13%.

*Backlogged Appeals:*

7. If your agency had a backlog of appeals in Fiscal Year 2014, did that backlog decrease as compared to Fiscal Year 2013?

Yes. CIGIE had a backlog of two appeals at the end both of FY 2013 and zero at the end of FY 2014.

8. 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 2014.

Not applicable.

*Ten Oldest Requests*

9. In Fiscal Year 2014, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2013?

Yes.

10. 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 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Not applicable.

11. 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?

Three requests were withdrawn by the requester. Interim responses were provided in all 3 instances.

#### *Ten Oldest Appeals*

12. In Fiscal Year 2014, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2013?

Yes.

13. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2013 Annual FOIA Report.

Not applicable.

#### *Ten Oldest Consultations*

14. In Fiscal Year 2014, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2013?

Not applicable. CIGIE did not have any consultations pending at the end Fiscal Year 2014.

15. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2013 Annual FOIA Report.

Not applicable.

#### *Additional Information*

16. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

CIGIE records are often created by previous or standing Committee chairs' respective agencies, requiring CIGIE to consult with other agencies before releasing records. The lengthy consultation process makes it difficult for CIGIE to close requests quickly.

17. 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 received, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

FOIA request: 6330-2013-37A

Appeal Received: 7/18/2013

Remanded: 11/27/2013

Sent for Consultation: 4/9/2014 to 4 agencies. 2 agencies responded promptly. 2 agencies responded that they weren't responsible for the records, with 1 not responding until 9/8/2014. After sending the records for another round of consultations with the appropriate successor agencies, this appeal was closed on 10/20/2014.

18. 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 2015.

At the end of FY 2014, 5 requests and zero appeals remained open. Two requests were closed in October 2014, one in November 2014, and one in February 2015. The two remaining open requests are complex requests requiring consultation with multiple agencies. In both of these cases, interim letters and portions of the records have been sent. CIGIE's FOIA processor continues to follow up with the agencies that have not responded to the consultation requests.

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

1. Did your agency invoke a statutory exclusion during Fiscal Year 2013?

No.

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

Not applicable.

### **Spotlight on Success**

1. Successfully transitioned between processing agencies.
2. Closed some old, lingering requests.
3. Increased communications between CIGIE, FOIA processor, and requesters.