



# COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY

**Chief FOIA Officer:** Atticus J. Reaser, General Counsel  
Chief FOIA Officer's Report

March 18, 2022

The Council of the Inspectors General on Integrity and Efficiency (CIGIE) submits this report in accordance with the Attorney General's Freedom of Information Act (FOIA) Guidelines issued on March 19, 2009, calling upon agencies to reaffirm the Federal Government's "commitment to accountability and transparency" and as directed in the Guidelines for 2022 Chief FOIA Officer Reports. As explained in more detail below, CIGIE is a small agency which did not bring its FOIA program fully in house until the end of Fiscal Year 2020. The responses provide information about the status of CIGIE's relatively new in house FOIA program and how CIGIE anticipates managing FOIA matters going forward.

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

### **A. FOIA Leadership**

1. Is your agency's Chief FOIA Officer at the Assistant Secretary or equivalent level?

CIGIE's General Counsel serves as the Chief FOIA Officer and reports directly to the CIGIE Chairperson.

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

The General Counsel and Chief FOIA Officer is Atticus J. Reaser.

### **B. FOIA Training**

3. Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

During the reporting period, CIGIE staff performing FOIA responsibilities were informed of training opportunities through DOJ and were encouraged to attend.

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

Yes.

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

The following training was attended by personnel at CIGIE who have FOIA responsibilities: DOJ virtual training entitled *Introduction to the Freedom of Information Act and Virtual Processing from Start to Finish*; DOJ virtual training entitled *Virtual Privacy Considerations*; DOJ virtual training workshop that addressed FOIA Exemptions 1 and 7; and DOJ virtual training entitled *Virtual Continuing FOIA Education*.

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

Approximately 50% of all CIGIE personnel who have FOIA responsibilities attended FOIA training. This included 100% of CIGIE staff who have program-level FOIA responsibilities.

7. 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 period.

CIGIE currently has no full time FOIA professionals. All CIGIE personnel who have FOIA responsibilities support the FOIA program in addition to numerous other duties and areas of responsibility. Specifically, all but one of the staff members who support CIGIE's FOIA program are attorneys. With that said, CIGIE ensured that 100% of CIGIE staff who have program-level FOIA responsibilities attended FOIA training and significantly increased its overall percentage of staff attending training. Moreover, the individuals who attended training shared highlights from training attended with those who did not attend the training. During the next reporting period, CIGIE will strive to send at least 80% of staff that have FOIA responsibilities to FOIA training, such as that provided by the DOJ.

8. Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?

Yes.

### **C. Outreach**

9. Did your FOIA professionals engage in any outreach or dialog, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialog, and, if applicable, any specific examples of how this dialog has led to improvements in your agency's FOIA administration?

CIGIE reached out to one individual requester who had 13 of the oldest open requests from 2019. After summarizing the requests in a spreadsheet and engaging with the requester, he agreed to work with CIGIE staff resulting in the withdrawing of four requests and the narrowing

or tolling of the remaining requests. As CIGIE continues to expand and further develop its FOIA program, which has been fully in-house only since the end of FY 2020, CIGIE will explore opportunities to engage with Open Government groups regarding continuous improvements of its FOIA program.

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

10. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under FOIA. In particular, please describe:

- how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and
- If senior leaders at your agency received a briefing on your agency's FOIA resources, obligations, and expectations during the FOIA process.

The CIGIE General Counsel, who also serves as the Chief FOIA Officer, briefs non-FOIA professionals at CIGIE who are responsible for records management on their obligations under FOIA. For example, such briefings include discussions with CIGIE information technology staff to explain the legal requirements for conducting and documenting proper searches for electronic records in response to FOIA requests. CIGIE leadership was also briefed on CIGIE's FOIA resources, including an assessment of current and anticipated FOIA demands.

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

1. For Fiscal Year 2021, what was the average number of days your agency reported for adjudicating requests for expedited processing?

CIGIE adjudicated one request for expedited processing in Fiscal Year 2021. That request was processed in 1 day.

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.

3. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?

CIGIE's FOIA regulations are dated October 3, 2018. They incorporate the requirements of the FOIA Improvement Act of 2016, including notification to requesters of the mediation services offered by the Office of Government Information Services at NARA.

4. Standard Operating Procedures (SOPs). Does your agency have up-to-date internal SOPs for your FOIA administration?

As a small agency, CIGIE has been able to rely on the explanation of its processes for handling FOIA requests and appeals specified in its published regulations implementing the FOIA, found in part 9800 of title 5 of the U.S. Code. As of the end of the reporting period, CIGIE had no other SOPs.

5. If not, please provide a timeline for when your agency plans to develop or update its SOPs.

CIGIE has developed a draft FOIA SOP and expects to finalize it before the end of the next reporting period.

6. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?

No.

7. If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.

CIGIE will continue to explore but has been unable to identify any opportunities to provide alternative access to first-party requests for information at CIGIE outside of the FOIA process.

8. Did your agency conduct a self-assessment of its FOIA administration during the reporting period?

No.

9. 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 Fiscal Year 2021.

On approximately ten occasions.

10. Has your agency reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes. CIGIE experienced unprecedented growth in the reporting period, chiefly through the build-up of both the staffing and the operations of CIGIE's Pandemic Response Accountability Committee (PRAC). In fact, the number of PRAC staff now exceeds the number of staff

supporting all other CIGIE operations combined. While PRAC-related records have not yet been the subject of a substantial number of FOIA requests, the CIGIE FOIA team has taken steps to ensure a framework is in place for addressing such requests. For example, the CIGIE Office of General Counsel worked closely with the PRAC legal team (which operates in a separate chain of command) to ensure CIGIE could continue to operate under a centralized FOIA scheme, but leverage the subject matter expertise of the attorneys in the PRAC to process PRAC-related requests.

CIGIE also continues to adapt its FOIA program to the statutory changes resulting from the Inspector General Empowerment Act of 2016, Public Law 114-317, 130 Stat. 1595 (IGEA). Most notably, the IGEA expanded CIGIE's responsibilities to include maintenance of the records of CIGIE's Integrity Committee by CIGIE's Chairperson. Before the IGEA's passage, the Federal Bureau of Investigation maintained Integrity Committee records. Requests for Integrity Committee records have proven to be numerous and, frequently, highly complex and time consuming.

Despite these challenges, CIGIE was able to close the ten oldest open requests in the reporting period. For Fiscal Year 2022, CIGIE's FOIA program will again focus on closing the ten oldest open requests, while simultaneously keeping up with pending litigation, new requests, and continuing to streamline internal practices.

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

1. Please describe what steps your agency takes to identify, track and post (a)(2) proactive disclosures.

As a small agency, decisions regarding proactive disclosure are typically made on a case-by-case basis. Particularly as CIGIE's Office of General Counsel is involved with every FOIA request, this process has worked well historically. CIGIE will reevaluate the need to implement a more formal process if deemed necessary.

2. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times under FOIA. Please include links to these materials as well.

Towards the end of the reporting period, but after the end of Fiscal Year 2021, CIGIE proactively posted on its FOIA reading room six CIGIE Integrity Committee reports of investigation (ROIs). Links to these six ROIs are also available here: <https://ignet.gov/content/foia-reading-room-1>. Additionally, CIGIE continues to strive to provide public access to information about CIGIE, as well as the broader oversight community. While not technically proactive disclosures pursuant to FOIA, CIGIE continues to post material to its website, such as: the Integrity Committee Annual Report; updated information about Integrity Committee processes; Training Institute schedules; CIGIE "views letters," which are letters from CIGIE leadership to Congress, usually expressing CIGIE's views on legislation that

affects the Inspector General community; and updated resources, such as manuals for various aspects of oversight, including peer reviews.

3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.

In furtherance of its mission to promote transparency and support oversight, the newly created CIGIE PRAC quickly launched a website ([PRAC | Pandemic Oversight](#)). Visitors to the website can see common types of material outside of FOIA, including the details of the \$2.6 trillion coronavirus relief spending provided by the Coronavirus Aid, Relief and Economic Security Act (CARES Act), and three related pieces of legislation. The website was further developed and enhanced during in Fiscal Year 2021. It displays the details of the total pandemic response spending, which exceeds \$5 trillion.

4. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public?

Yes. CIGIE is in the process of redesigning the website to include an improved search functionality.

5. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible.

In the process of redesigning the website, CIGIE will explore options to post information in open, machine-readable, and machine-actionable formats.

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

As stated above, decisions regarding (a)(2) proactive disclosure are typically made on a case-by-case basis. To date, the majority of proactive disclosures have involved sensitive law enforcement records, the release of which has required close collaboration with subject matter expert staff outside the FOIA office.

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

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes. CIGIE attorneys supporting the FOIA program have reviewed and become familiar with the e-discovery tools currently available to the agency. To date, these tools appear adequate. CIGIE, however, is exploring options for tracking its requests. As the number of requests have been increasing, the current spreadsheet-based tracking system is being reevaluated.

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.

None.

3. Has your agency reviewed its FOIA website during the reporting period to ensure it addresses the elements noted in the DOJ guidance from 2017?

The CIGIE home page includes a clear link to the FOIA homepage, which in turn includes a drop-down menu for the following areas of interest: Annual Chief FOIA Officer Reports; Annual FOIA Reports; FOIA Reading Room; FOIA Guide and Handbook; FOIA Regulations; and FOIA Quarterly Reports. During the reporting period, CIGIE conducted a thorough review of FOIA webpages on its website. As a result of the review, CIGIE has been working with an inter-disciplinary team with the goal of revising such webpages, focusing particularly on improving the content and search functionality of the FOIA Reading Room. The goal is to make the website more easily searchable, as not everything that is posted can be readily located by members of the public who are not already familiar with CIGIE programs and operations.

4. Did all four of your agency's quarterly reports for Fiscal Year 2021 appear on your agency's website and on FOIA.gov?

Although CIGIE completed all four quarterly reports for Fiscal Year 2021 and posted them to the agency's website, only three of the four reports were successfully posted to FOIA.gov.

5. If your agency did not successfully post all quarterly reports, please explain why, and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2021.

For the fourth quarter, CIGIE inadvertently failed to report component data, as it has no FOIA components. This oversight caused the posting to FOIA.gov to fail.

6. Please provide the link to the raw statistical data used to compile the Fiscal Year 2020 Annual FOIA Report and, if available, the Fiscal Year 2021 Annual FOIA Report.

2020 Annual Report:

Raw Data: <https://www.ignet.gov/sites/default/files/files/FOIARawDataFY2020.csv>

Final Report: <https://ignet.gov/sites/default/files/files/CIGIEFY20Final.pdf>

2021 Annual Report

Raw Data: [https://www.ignet.gov/sites/default/files/files/CIGIEFY16-21\(rawdataforFY21annualreport\).csv](https://www.ignet.gov/sites/default/files/files/CIGIEFY16-21(rawdataforFY21annualreport).csv)

Final Report: <https://ignet.gov/sites/default/files/files/CIGIEFY2021FINAL.pdf>

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

### **A. Simple Track**

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

Yes. CIGIE processes requests using a multitrack processing system. There are three processing tracks: An expedited track, if the request qualifies; a simple track; and a complex track.

2. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2021?

Yes. According to CIGIE's 2021 Annual FOIA report, the average number of days to process simple requests was 3 days, and the median number was 2 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 that were placed in your simple track.

Of the 109 requests processed in Fiscal Year 2021, approximately 1.83 percent (2) were placed in the simple track.

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.

### **B. Backlogs**

#### **Backlogged Requests**

5. If your agency had a backlog of requests at the close of Fiscal Year 2021, did that backlog decrease as compared with Fiscal Year 2020?

Yes.

6. If not, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?

Not only did CIGIE reduce the backlog in Fiscal Year 2021, it also processed more requests than in any of the prior years.

7. If your agency's request backlog increased during Fiscal Year 2021, please explain why, and describe the causes that contributed to your agency not being able to reduce its backlog.

Not applicable.

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 2021.

47%.

### **Backlogged Appeals**

9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, did that backlog decrease as compared to Fiscal Year 2020?

No. CIGIE had one backlogged appeal in Fiscal Year 2020. That same appeal remained pending and backlogged through Fiscal Year 2021. CIGIE's single appeals backlog was due solely to the fact that the records that needed to be searched were paper records located in a locked cabinet in the CIGIE building. The requester was advised of this fact and agreed to a lengthy extension to allow CIGIE staff time to safely return to the office to search the paper records. The appeal has since been closed during the first quarter of Fiscal Year 2022.

10. If not, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?

No.

11. If your agency's appeal backlog increased during Fiscal Year 2021, please explain why, and describe the causes that contributed to your agency not being able to reduce its backlog.

Not applicable.

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 2021.

50%.

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

13. If your agency had a backlog of 1000 requests or more, has your agency implemented a backlog reduction plan?

Not Applicable.

14. If your agency had a backlog of 1000 requests or more, please explain your agency's plan to reduce this backlog during Fiscal Year 2021.

Not applicable.

## **D. Status of Oldest Requests, Appeals and Consultations**

### **Oldest Requests**

15. In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in the 2020 Annual FOIA Report?

Yes.

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 2019 Annual FOIA Report.

Not applicable.

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

CIGIE has committed more resources and has improved processes in order to reduce the overall age of pending requests.

### **Ten Oldest Appeals**

18. In Fiscal Year 2021, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2020?

No, for the reasons discussed above in question V.B.9.

19. If no, please provide the number of these appeals your agency was able to close.

None.

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

As discussed in question V.B.9, the only pending administrative appeal was processed and closed in the first quarter of Fiscal Year 2022, when staff were able to safely return to the building to process the paper records.

### **Ten Oldest Consultations**

21. In Fiscal Year 2021, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2020?

Not applicable.

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year.

Not applicable.

### **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 2020.

CIGIE closed all ten of the oldest open requests and there were no backlogged consultations. The one backlogged appeal has since been closed, as per the description of circumstances in section V.B.9, above.

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

Not applicable.

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 2021.

Not applicable.

### **F. Success Stories**

- CIGIE processed a record number of requests in Fiscal Year 2021, 109 in all. This number represents a 27% increase over the prior fiscal year (80) and was almost 250% more than the number processed in Fiscal Year 2019 (41).
- CIGIE continues to maintain Oversight.gov, which was launched in 2017 and is now integral to pandemic oversight as well as oversight generally. Oversight.gov is a publicly accessible, searchable website containing the latest public reports from Federal Inspectors General who are members of CIGIE. The website now contains a total of over 21,441 reports. Before Oversight.gov, these reports would have been distributed across 75 separate government websites, not including several state and local reports that also have a nexus to Federal spending. In addition, through this website, CIGIE has continued to provide the public with near real-time information about the amount of potential savings Inspectors General have identified. Specifically, Oversight.gov reflects the fact that during the reporting period, the Inspector General community has identified over \$65 billion in potential savings. Moreover, the site includes a feature that tracks open recommendations. As of March 1, 2022, 15,825 open recommendations are captured in the data reported on the site (see <https://www.oversight.gov/recommendations>).

- CIGIE maintains a presence on Twitter (@OversightGov) so that interested members of the public can follow work taking place throughout the Inspector General community. There are now over 16,200 followers.