



## U. S. T R A D E A N D D E V E L O P M E N T A G E N C Y

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### **CHIEF FOIA OFFICER REPORT**

#### **I. Steps Taken to Apply the Presumption of Openness**

##### 1. Description

USTDA is a commercially-oriented agency that receives relatively few FOIA requests per year. USTDA received a total of twenty-one (21) FOIA requests during FY2009. USTDA does not employ full-time FOIA personnel, but rather utilizes personnel with part-time or occasional duties equal to approximately 15% of one work year in FY2009. Over the last few years, USTDA has utilized one Assistant General Counsel, who acts as USTDA's FOIA Public Liaison, to process FOIA requests as part of his or her overall agency responsibilities.

In order to ensure that the presumption of openness is applied to all decisions involving the FOIA, the Chief FOIA Officer and Assistant General Counsel have read and understand the President's FOIA memorandum and the Attorney General's FOIA guidelines and endeavor to implement the presumption in response to FOIA requests to the agency. As stated in the Attorney General's memorandum, "whenever an agency determines that it cannot make full disclosure of a requested record, it must consider whether it can make partial disclosures." Since the President's FOIA Memorandum, USTDA has taken steps to make partial release of records when full disclosure is not possible. For example, on January 21, 2010, USTDA responded to a FOIA request to the agency that generated over 7,000 responsive documents. The agency took the necessary steps to segregate and release nonexempt information to the requestor. As a result, USTDA redacted portions of 1,598 of the approximately 7,000 documents and made a partial disclosure of those documents in lieu of withholding those documents in their entirety.

##### 2. Disclosure Comparison

From FY2008 to FY2009, USTDA experienced a decrease in the actual number of requests where records were released in full and where records were released in part. However, these numbers may not be an accurate reflection, as the actual number of requests to which USTDA responded also decreased from FY2008 to FY2009. In terms of percentages, USTDA experienced an increase in the number of requests where records were released in full. In FY2009, USTDA released in full 100% of processed FOIA requests that generated responsive documents. In FY2008, USTDA released in full 82% of processed FOIA requests that generated responsive documents and USTDA released in part 18% of processed FOIA requests that generated responsive documents.

#### **II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests**

When a request is received by USTDA, the request is forwarded directly to the Assistant General Counsel for processing. The Assistant General Counsel then reviews the request, logs the

request into USTDA's electronic FOIA log, and determines how to appropriately respond to the request. The Assistant General Counsel continuously works to ensure the system for responding to requests is effective and efficient, and if necessary, implements changes or improvements as appropriate. The Assistant General Counsel maintains an open line of communication with USTDA's IT Support Staff and their managers to quickly and efficiently discuss any IT questions, as well as address an issues that may arise. Because USTDA's Assistant General Counsel responds to all FOIA requests, and taking into account that USTDA receives so few FOIA requests annually, USTDA does not have a "broad spectrum of agency personnel who work with FOIA professionals in responding to requests."

### **III. Steps Taken To Increase Proactive Disclosures**

Currently, the USTDA website contains a great deal of information. Specifically, the USTDA "News and Events" page contains information about USTDA and other government-sponsored events, and the "Publications and Resources" page contains USTDA brochures, USTDA Annual Reports, and other USTDA publications and information. Furthermore, USTDA maintains a web page on USTDA "Library Holdings" which allows individuals to electronically search USTDA's library database for completed USTDA-funded studies by region, country, or sector.

In addition, USTDA's FOIA website includes a section entitled "Frequently Requested Records and Records Likely to Become the Subject of FOIA Requests." As part of the Assistant General Counsel's reviews of each FOIA request, the Assistant General Counsel determines whether the records sought should be placed in this section of USTDA's FOIA website.

Since the issuance of the new FOIA Guidelines, USTDA has endeavored to increase proactive disclosures with respect to USTDA's library database for USTDA-funded activities. USTDA has begun the process of making reports from various USTDA-funded activities available in a downloadable format via the USTDA website.

### **IV. Steps Taken To Greater Utilize Technology**

1. Does your agency currently receive requests electronically.

*No.*

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically.

USTDA currently allows submission of FOIA requests both via mail and via facsimile. As an agency that receives very few FOIA requests, USTDA's current mechanism allows agency personnel to easily track FOIA requests and provides FOIA requesters with a reasonable means by which to submit FOIA requests. In light of the relatively few FOIA requests received annually by the agency, and taking into consideration available agency resources, establishing a mechanism by which to receive requests electronically is not practicable.

3. Does your agency track requests electronically.

*Yes.*

4. If not, what are the current impediments to your agency utilizing a system to track requests electronically.

*N/A*

5. Does your agency use technology to process requests.

Yes.

6. If not, what are the current impediments to your agency utilizing technology to process requests.

N/A

7. Does your agency utilize technology to prepare your agency Annual FOIA Report.

Yes.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report.

N/A

## **V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests**

1. Backlog Status

*At the end of FY2009, USTDA had a backlog of 9 pending FOIA requests. The oldest pending request at the end of FY2009 was received by USTDA on December 29, 2008. At the end of FY2009, USTDA had no backlog of administrative appeals. At the end of FY2008, USTDA had no backlog of pending FOIA requests. At the end of FY2008, USTDA had no backlog of administrative appeals. Since the end of FY2009, USTDA has responded to backlogged requests and continues to work on decreasing the backlog of FOIA requests. USTDA continues to take steps to decrease backlog as described below.*

2. Backlog Reduction Steps

*Over the last few years, USTDA has utilized one Assistant General Counsel, who acts as USTDA's FOIA Public Liaison, to process FOIA requests as part of his or her overall agency responsibilities. At the end of FY2008, USTDA had no pending FOIA requests. However, in FY2009, USTDA's Office of the General Counsel was short-staffed for approximately half of the fiscal year. As a result, USTDA generated a backlog of 9 pending FOIA requests by the end of FY2009. In order to reduce this backlog, USTDA recently assigned an Information Resource Assistant to support the Assistant General Counsel in responding to the current backlog of FOIA requests.*

3. Steps to Improve Timeliness

*Over the last few years, USTDA has utilized one Assistant General Counsel, who acts as USTDA's FOIA Public Liaison, to process FOIA requests as part of his or her overall agency responsibilities. In order to improve timeliness in responding to requests, USTDA recently assigned an Information Resource Assistant to support the Assistant General Counsel in responding to newly received FOIA requests in a timely fashion.*