

## Chief FOIA Officer Report

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This report addresses how U.S. Trade and Development Agency (USTDA) has implemented President Obama's FOIA memorandum and DOJ's 2009 FOIA guidelines during the period, March 2017 to March 2018. In fiscal year 2016, USTDA received 24 FOIA requests. As a small-volume agency, USTDA provides this report in a narrative format addressing the key topics in the Presidential memo and the DOJ's guidance.

### 1. Presumption of Openness

USTDA is a small, federal agency with less than 60 federal employees. The agency's mission is to help companies create U.S. jobs through the export of U.S. goods and services for priority development projects in emerging economies. Given the nature of USTDA's mission, the agency has a strong interest in making sure that accurate, relevant information about its activities is available to and easily accessible by the public. USTDA maintains a virtual library on its website, <https://www.ustda.gov/about/ustda-library>, where any person can search for and request reports on agency-funded feasibility studies and technical assistance projects.

USTDA has assigned one Assistant General Counsel to review FOIA requests as part of his overall responsibilities. Due to the small number of FOIA requests, the Assistant General Counsel is able to personally review each request, applying the presumption of openness. In addition, USTDA has assigned an Information Resource Assistant to help the Assistant General Counsel log and process FOIA requests. USTDA has found that its system for processing FOIA requests is efficient and ensures the meaningful application of the presumption of openness to each request.

### 2. Effective System for Responding to Requests

When a new FOIA request is received by USTDA, the request is logged into the agency's electronic FOIA log and forwarded to the Assistant General Counsel in charge of FOIA matters, who reviews the request. The search for responsive documents is initiated promptly by the Information Resource Assistant in consultation with the Assistant General Counsel. The Assistant General Counsel ultimately determines whether USTDA has any responsive documents and applies the presumption of openness in determining which documents are releasable. In the "spirit of cooperation," the Assistant General Counsel will seek clarification, as appropriate, from requesters rather than deny poorly drafted requests, and regularly responds to requesters' questions. The Assistant General Counsel continuously works to ensure that the system for responding to requests is effective and efficient, and if necessary, implements changes or improvements as appropriate.

### 3. Proactive Disclosures

USTDA is a commercially-focused agency with a significant interest in disseminating clear and useful information about its activities to the public, and therefore, maintains an organized, searchable and regularly updated website with information on past and ongoing projects and activities. The reports detailing the results of such studies and projects are made public through the USTDA library, and the index to the reports is publicly available on the USTDA's website at <https://www.ustda.gov/about/ustda-library>. Members of the public may browse the index on the website and may request a copy of these reports via email.

The website also provides updates on agency initiatives such as the "Global Procurement Initiative: Understanding Best Value" and "U.S. Gas Infrastructure Exports Initiative", and provides numerous press releases regarding projects funded by the agency. USTDA's Public Affairs plays an active role in identifying material that should be published on the website and uses a variety of social media tools and platforms to publicize and highlight information regarding its ongoing activities, including through regular updates on the agency's blog and its Twitter, Facebook and YouTube pages.

### 4. Technology

USTDA uses internet technology to disseminate agency information to an increasingly broader audience. Through innovative use of internet and coordination with other agencies and organizations, USTDA posts the latest information on its programs, projects, and events on other websites with greater user traffic, such as the website of the U.S. Department of Commerce, so that the information released by the agency can reach a larger audience.

USTDA also posts information on a regular basis on its blog and social media pages. One of the main goals of these initiatives was to solicit and facilitate feedback and comments on the content and presentation of posted material. Given the increasing focus on online engagement and the use of multiple social media platforms and formats, USTDA believes that its current system makes appropriate use of technology.

USTDA is constantly striving to improve access and usefulness to agency information and to facilitate openness and engagement with the public. USTDA's website is designed to provide an optimal "user experience" interface specifically when accessed using smartphones and other mobile devices. These technological improvements and innovations, however, do not substitute for communication by email and telephone, which USTDA FOIA professionals still use whenever feasible.

## 5. Timeliness and Reducing Backlogs

In an effort to increase timeliness, USTDA utilizes a separate track for simple requests so that they can be quickly processed while more complex requests may be pending. During Fiscal Year 2017, USTDA processed a total of 20 requests, and the median number of days to process these requests was 60 days. At the beginning of the fiscal year, there were 7 complex requests that had been pending for more than one year. By utilizing separate tracks, USTDA was able to quickly process simple requests while also reducing the backlog of these complex requests, by successfully processing 3 of these requests, one of which had been pending for more than 800 days. USTDA has developed an effective system for responding to FOIA requests and continues to improve upon that system based on lessons-learned.