

American Battle Monuments Commission

Chief FOIA Officer Report

March 15, 2010

I. Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

1. Describe below the steps your agency has taken to ensure that that presumption is being applied to all decisions involving the FOIA.

The American Battle Monuments Commission fully supports a “presumption of openness.” The statistics presented in Section I.2 below clearly reflect a lack of arbitrariness or excessive protectiveness in determining what requested information to release. In effect, we have had no opportunities for “discretionary disclosure” since the President’s FOIA Memo and the Attorney General’s FOIA Guidelines were released, since all of our FY 09 denials were No Records, Not Agency Records, Withdrawn, or Exemption 6 privacy redactions of personal information such as Social Security Account Numbers.

To reinforce this agency policy of a “presumption of openness,” the two individuals responsible for administering the agency FOIA program regularly attend Department of Justice training sessions, and Administration program emphases and requirements are briefed to agency leadership and key staff.

2. Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

The number of requests the agency receives is small. During Fiscal Years 2008 and 2009, the agency processed 33 requests for information:

	<u>Requests Processed</u>	<u>Full Release</u>	<u>Partial Release</u>	<u>Full Denial</u>
FY 09	12	3	3	6
FY 08	<u>21</u>	<u>18</u>	<u>0</u>	<u>3</u>
	33	21	3	9

Of the 3 partial releases in FY 09, all resulted from Exemption 6 privacy redactions of personal information such as Social Security Account Number, phone number, and home address.

Of the 6 full denials in FY 09: 2 were “no records” denials, 3 were “not agency records” denials, and 1 was a “withdrawn” denial.

Of the 3 full denials in FY 08: 2 were “no records” denials; 1 was an “Exemption 3” denial.

Thus, if you do not factor “no records,” “not agency records,” and “withdrawn” denials: 95% of our FY 08 requests were released in full or in part, and 100% of our FY 09 requests were released in full or in part—a more accurate reflection of the agency’s “presumption of openness.”

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

As the Attorney General emphasized in his FOIA Guidelines, “...application 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.”

Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient.

ABMC has an effective and efficient processing system. We are a small agency that over the previous three fiscal years averaged 16 requests per year. Those requests were processed in an average time of 13 days and none were late. In Fiscal Year 2010, we have received 11 requests that also have been processed in an average time of 13 days; again, none have been late.

IT support has not been an issue in managing the agency FOIA program.

III. Steps Taken To Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines.

The information from our agency most sought after by the public is that related to the war dead interred or memorialized at the Commission’s overseas cemeteries. Those databases have been available on the agency website for many years.

The database is undergoing redesign to make it easier to use and to add new search fields to increase the amount of information available to the public.

Additionally, the following record sets have been added to the FOIA Reading Room on the agency website since issuance of new FOIA Guidelines:

**Appropriation Requests
Strategic Plans
Federal Activities Inventory Reform (Fair) Act Reports
Federal Managers Financial Integrity Reports
Buy American Reports**

We believe there are other record sets that can be added to the website and we are working to identify those.

IV. Steps Taken To Greater Utilize Technology

A key component of the President's Memorandum was the direction to “use modern technology to inform citizens about what is known and done by their Government.” In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

For this section, please answer the following questions:

- 1) Does your agency currently receive requests electronically?

Yes

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

N/A

- 3) Does your agency track requests electronically?

No

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

There are no impediments; the number of requests we receive has not warranted a commercial FOIA software program.

- 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 you agency Annual FOIA Report?

No

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

There are no impediments; the number of requests we receive has not warranted a commercial FOIA software program.

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

Improvements to timeliness in responding to pending FOIA requests and reductions in backlogs are an ongoing agency effort. Both the President and the Attorney General emphasized the importance of improving timeliness in responding to requests.

1. If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of the numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and in terms of the age of those requests and appeals.

N/A – the agency does not have a backlog of requests.

2. If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

N/A – the agency does not have a backlog of requests.

3. Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

N/A – the agency does not have a record of late responses to requests; we have averaged a 13-day response time over the past three-plus years; and we have had no administrative appeals.