

American Battle Monuments Commission

**2016 Chief FOIA Officer's Report
February 5, 2016**

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Section 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.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working 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?
 - *Such training or events can include offerings from OIP, your own agency or another agency or organization.*

Answer: No

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.

Answer: N/A

3. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." 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 year.

Answer: ABMC will include annual FOIA training in the individual training plans for both the Chief FOIA Officer and the FOIA Assistant.

Discretionary Releases:

4. Does your agency have a distinct process or system in place to review records for discretionary release?
 - *If so, please briefly describe this process.*

- *If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?*

Answer: Yes. If an opportunity arises to make a discretionary release we will review the appropriate records under the foreseeable harm standard.

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

Answer: No

6. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance [on implementing the President's and Attorney General's FOIA Memoranda](#).

Answer: N/A

7. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

Answer: N/A

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

Answer: ABMC made no discretionary releases of otherwise exempt information. All denials were for reasons of No Records, Request Withdrawn, or Improper FOIA Request for Other Reason. The majority of our public queries relate to information that is already publically available through the ABMC website or the National Archives. This includes burial information.

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.
- *If any of these initiatives are online, please provide links in your description.*

Answer: The agency continues to refine www.abmc.gov and the electronic burial registers that are available through the agency website in response to user feedback and public queries.

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

As the Attorney General emphasized in his [FOIA Guidelines](#), "[a]pplication 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." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

Processing Procedures:

1. For Fiscal Year 2015, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2014 Annual FOIA Report.
 - *Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2014.*

Answer: N/A. The agency did not receive any expedited requests in FY 2015

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

Answer: N/A

3. On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

Answer: ABMC did not have an occasion to send a "still interested" inquiry.

Requester Services:

4. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

Answer: Due to the low demand, no additional steps have been taken to change ABMC FOIA services. Only five FOIA requests were received in FY 15. The majority of those requests were related to ABMC burial records or other historical information which is on the ABMC website or available through the National Archives.

Other Initiatives:

5. 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 redundancy, etc., please describe them here.

Answer: N/A

Section 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.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

Answer: ABMC monitors its FOIA logs. Frequently requested information is posted on www.abmc.gov. This information is posted in the FAQ section of the agency website or in the section pertaining to burials in ABMC cemeteries.

2. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.

Answer: Yes. Agency policies and procedures are reviewed regularly to determine if there may be public interest. If a determination is made for proactive disclosure, the document is posted on the agency's website either as a standalone document or integrated into other documents that are regularly updated and posted on the website.

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.

Answer: Yes. For smaller documents, the process of tagging a document for Section 508 Compliance is done in-house and totals about 10 hours annually. For larger documents and publications, the agency contracts with an external vendor to produce the Section 508 compliant files as part of preparing formal print files or as part of running website updates.

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

Answer: No.

5. If so, please briefly explain those challenges.

Answer: N/A.

6. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

Answer: The majority of information requested by the public is burial data which is already posted. That information is fairly static. However, ABMC endeavors to make that information more searchable via <https://www.abmc.gov/database-search>. An example of a proactive release is posting the names of American commemorated on the Cabanatuan Memorial which is available at <https://www.abmc.gov/cemeteries-memorials/pacific/cabanatuan-american-memorial>.

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

Answer: No

Other Initiatives:

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

Answer: N/A.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's [FOIA 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.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

Making Material Posted Online 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?
 - Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

Answer: Yes. The Agency implemented the *Foresee Survey* three years ago as part of an initiative to develop a new website based on user feedback. The new www.abmc.gov was deployed for public use in April 2014 with a positive response from users. In addition to the *Foresee Survey*, ABMC has been utilizing *Google Analytics* to track user interactions with the website. In the first quarter of FY 2015, the agency implemented a number of minor

changes to improve the user experience when using www.abmc.gov based on user feedback and the analytics from *Google*. In early FY 2016, ABMC modified the search functionality of the ABMC burial registry.

2. If yes, please provide examples of such improvements.

- *If your agency is already posting material in its most useful format, please describe these efforts.*

Answer: Yes. New search functionality for the ABMC burial register was deployed in Nov. 2015 on the agency website (<https://www.abmc.gov/database-search>). Modifications and updates to the agency website are ongoing.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

Answer: Yes.

4. 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 in Fiscal Year 2016.

Answer: N/A.

5. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? See OIP Guidance, "[*The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications*](#)." (Nov. 22, 2013) If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

Answer: Yes. E-mail is the one electronic means currently used.

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

Answer: In addition to responding electronically, the agency has a practice to respond in all cases with a letter as well. In some cases, an e-mail is not included in the FOIA request so a traditional response is the only option.

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

The [President](#) and the [Attorney General](#) have emphasized the importance of improving timeliness in responding to requests. This section your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2015 Annual FOIA Report and, when applicable, your agency's 2014 Annual FOIA Report.

Simple Track: Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

Simple Track:

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

Answer: No.

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

Answer: No. The agency does not utilize a track for simple requests.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

Answer: N/A.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

Answer: Yes. The average was 8 working days.

Backlogs: Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

Backlogged Requests

5. If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

Answer: There were no backlogged requests for FY 15 nor were there any at the end of FY 14.

6. If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:
 - An increase in the number of incoming requests.
 - A loss of staff.
 - An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.

- Any other reasons – please briefly describe or provide examples when possible.

Answer: N/A

7. 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 2015.

Answer: N/A

Backlogged Appeals

8. If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

Answer: N/A. There were no appeals in FY 15 or 14.

9. If not, explain why and describe the causes that contributed to your agency not being able reduce backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible

Answer: N/A.

10. 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 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with "N/A."

Answer: N/A.

Status of Ten Oldest Requests, Appeals, and Consultations: Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

Ten Oldest Requests:

11. *In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?*

Answer: N/A. There were no pending requests from FY 2014.

12. *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 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that*

Answer: N/A

13. *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?*

Answer: N/A

Ten Oldest Appeals:

14. *In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?*

Answer: ABMC had no administrative appeals.

15. *If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

Answer: N/A

Ten Oldest Consultations:

16. *In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?*

Answer: ABMC had no consultations.

17. *If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.*

Answer: N/A

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

18. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.*

Answer: None

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

Answer: N/A

20. *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 2016.*

Answer: N/A

Use of the FOIA's Law Enforcement Exclusions

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?

Answer: No.

2. If so, please provide the total number of times exclusions were invoked.

Answer: N/A

Success Story

The American Battle Monuments Commission received only five FOIA requests in FY 15. All requests were answered with no appeals. The success of a program of such modest scale is not dependent on new technologies or additional staff—it simply reflects a commitment on the part of the agency to process each request as promptly and completely as possible.