

American Battle Monuments Commission

Tom Sole, Chief FOIA Officer Report
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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.

Describe the steps your agency has taken to ensure that that presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

No

Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

Yes

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make discretionary releases whenever there is no foreseeable harm from release.

2. Did your agency make any discretionary releases of otherwise exempt information?

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 All denials were for reasons of No Records, Request Withdrawn, or Improper FOIA Request for Other Reason. Partial Denials were Privacy Act based.

3. What exemptions would have covered the information that was released as a matter of discretion?

N/A

4. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

N/A

5. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

None

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.”

This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

1. Do FOIA professionals within your agency have sufficient IT support?

Yes

2. Do your agency’s FOIA professionals interact with your Open Government Team?

No

3. Has your agency assessed whether adequate staffing is being devoted to FOIA administration?

Yes – the two additional duty personnel assigned FOIA responsibilities are adequate to process the 15-25 FOIA requests received annually.

4. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

None – ABMC has an effective and efficient processing system. We are a small agency that over the previous five fiscal years averaged 18 requests per year. Those requests were processed in an average time of 12 days.

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.

Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2012 to March 2013). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Provide examples of material that your agency has posted this past year.

Our agency added a set of cemetery visitor brochures to our website, as well as photos, videos and coverage of significant ceremonies and events that occurred at our commemorative sites this past year. Additionally, we've upgraded our video player technology to make video access easier and faster.

2. 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, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.?

Yes.

3. If so, provide examples of such improvements.

ABMC is in the process of a website redesign. Deemed as a critical vehicle to better support the ABMC mission, this new website will improve the look and feel, functionality, navigation, search capabilities and more of ABMC.gov.

To deliver a product that meets the needs of the public, ABMC implemented the Foresee Customer Service Survey on its website, in addition to the collection of website metrics. This qualitative and quantitative data has allowed the agency to make informed decisions throughout the redesign process. Through this analysis, the agency learned that a better functioning war dead database, with the ability to download burial records, was critical to the needs to the public. This access has been the source of several FOIA requests in the past. Our website does randomly ask users for feedback.

Easier sharing of content will also be available through the redesigned ABMC.gov. Users will be able to share via social media channels and via email. Better mapping services will also be available on the new website. These improvements will be rolled out in 2013,

ABMC also launched its first mobile application. This app, built for both iPhones and Androids, allows users to take a guided tour of Pointe du Hoc, the famous World War II, D-Day landing site.

4. Describe any other steps taken to increase disclosures at your agency.

None

Section 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. In 2010 and 2011, agencies reported widespread use of technology in handling FOIA requests. For 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.

Electronic receipt of FOIA requests:

1. Can FOIA requests be made electronically to your agency?

Yes

2. If your agency is decentralized, can FOIA requests be made electronically to do *all* components of your agency?

N/A

Online tracking of FOIA requests:

3. Can a FOIA requester track the status of his/her request electronically?

No

4. If so, describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system.

N/A

5. In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?

N/A

6. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability?

No

Use of technology to facilitate processing of requests:

7. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

No

8. If so, describe the technological improvements being made.

N/A

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

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section 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 and appeals. *For the figures required in this section, please use those contained in the specified sections of your agency's 2012 Annual FOIA Report.*

1. 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. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

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

No

b. If so, for your agency overall, for Fiscal Year 2012, was the average number of days to process simple requests twenty working days or fewer?

N/A

c. 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?

Yes

2. Section VII.A, Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Number of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the number of any backlog of pending requests or pending appeals from Fiscal Year 2012 as compared to Fiscal Year 2011. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C. (5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2011 and Fiscal Year 2012 should be used for this section.

a. If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011?

No – the agency had one pending request at the end of Fiscal Year 2012 and one pending requests at the end of Fiscal Year 2011. These pending requests were not the same.

b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2011?

The agency had no administrative appeals in Fiscal Years 2011 or 2012

c. In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011?

Yes – the agency closed the one pending request it had at the end of Fiscal Year 2011

d. In Fiscal Year 2012, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2011?

N/A – the agency had no pending administrative appeals at the end of Fiscal Year 2012

3. If you answered "no" to any of the above questions, describe why that has occurred. In doing so answer the following questions then include any additional explanation.

Request Backlog:

a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

No

b. Was the lack of a reduction in the request backlog caused by a loss of staff?

No

c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

No

d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

The agency had one pending request at the end of Fiscal Year 2011 and one pending requests at the end of Fiscal Year 2012. While the statistical backlog remained constant, the one pending request was resolved and so the statistic may not accurately measure our success at eliminating that backlog.

4. OIP has issued **guidance** encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information. If your agency had a backlog in Fiscal Year 2012, please provide an estimate of the number of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

The agency had one pending request at the end of Fiscal Year 2012 and, in this case, an interim response was provided during the fiscal year, even though the request was not finally closed.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorizes agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. 552(c)(1),(2),(3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2012?

No

2. If so, what is the total number of times exclusions were invoked?

N/A

Spotlight on Success

The American Battle Monuments Commission processes only 20-25 FOIA requests per year. The average time to close out those requests over the past five years has been 12 days, with no late responses and 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.