



Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

Chief FOIA Officer: Atticus J. Reaser, General Counsel
Chief FOIA Officer's Report

February 26, 2021

The Council of the Inspectors General on Integrity and Efficiency (CIGIE) submits this report in accordance with the Attorney General's Freedom of Information Act (FOIA) Guidelines issued on March 19, 2009, calling upon agencies to reaffirm the Federal Government's "commitment to accountability and transparency" and as directed in the Guidelines for 2020 Chief FOIA Officer Reports. As explained in more detail below, CIGIE is a micro-agency with fewer than 50 employees and has only recently brought its FOIA program fully in house. The responses provide information about this transition and how CIGIE anticipates managing FOIA matters going forward.

Section I: Steps Taken to Apply the Presumption of Openness

A. FOIA Leadership

1. Is your agency's Chief FOIA Officer at the Assistant Secretary or equivalent level?

CIGIE's General Counsel serves as the Chief FOIA Officer and reports directly to the CIGIE Chairperson.

2. Please provide the name and title of your agency's Chief FOIA Officer.

The General Counsel and Chief FOIA Officer is Atticus J. Reaser.

B. FOIA Training

3. Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

For a significant portion of the reporting period, CIGIE relied heavily on FOIA support provided by the Department of Justice Office of Inspector General (DOJ OIG) and National Science Foundation OIG (NSF OIG). The DOJ FOIA professionals received training, as described below. Now that CIGIE staff are taking over day-to-day FOIA responsibilities, CIGIE is working to ensure all CIGIE staff with FOIA responsibilities attend FOIA training during the next reporting period. CIGIE is also exploring adopting a basic FOIA training program that can be made available to CIGIE employees who do not have direct FOIA responsibilities.

4. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice (DOJ)?

As noted previously, for much of the reporting period, personnel at DOJ OIG and NSF OIG managed CIGIE's FOIA responsibilities. Approximately halfway through the reporting period, CIGIE hired a seasoned attorney with significant FOIA experience to bring the CIGIE FOIA program in house, to serve as the CIGIE FOIA Public Liaison, and to manage the day-to-day operations of the CIGIE FOIA program. This individual attended a substantive FOIA presentation on exemption (b)(4) organized by a group of other members of the Inspector General community. Additionally, the DOJ FOIA professionals who provided FOIA services to CIGIE in the first part of the reporting period attended a workshop on exemption (b)(5), the DOJ Annual FOIA Conference, and training for the DOJ Annual Report and the Chief FOIA Officer's Report. As described in the response to question I(B)(3) above, CIGIE will emphasize FOIA training in the next reporting period.

5. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

See response to question I(B)(4) above.

6. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

20%. Also see response to question I(B)(3) above.

7. 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 period.

During the next reporting period, CIGIE anticipates sending all of its FOIA professionals to FOIA training, such as that provided by the DOJ. Also see response to question I(B)(3) above.

C. Outreach

8. Did your FOIA professionals engage in any outreach or dialog with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialog, and, if applicable, any specific examples of how this dialog has led to improvements in your agency's FOIA administration?

CIGIE is a micro-agency with fewer than 50 employees and has only recently brought its FOIA program fully in house. Accordingly, CIGIE has not had the resources or need to engage with open government groups regarding the administration of its FOIA program. CIGIE will, however, continue to explore this opportunity as its FOIA program expands and develops.

D. Other Initiatives

9. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff.

The CIGIE General Counsel, who also serves as the Chief FOIA Officer, frequently briefs non-FOIA professionals at CIGIE who are responsible for records management and CIGIE leadership on their obligations under FOIA. Such briefings include discussions with CIGIE information technology staff to explain the legal requirements for conducting and documenting proper searches for electronic records in response to FOIA requests.

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

1. For Fiscal Year 2020, what was the average number of days your agency reported for adjudicating requests for expedited processing?

CIGIE did not adjudicate any requests for expedited processing in Fiscal Year 2020.

2. If your agency's average number to adjudicate requests for expedited processing was above 10 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.

Not applicable.

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report or raw data, using active work flows and track management, reviewing and updating processing procedures, etc.

CIGIE continued to review its historical Annual Reports to chart trends and make an informed assessment of what was needed to address CIGIE's FOIA backlog.

4. Standard Operating Procedures (SOPs).

a. Does your agency have SOPs that outline general processes for handling FOIA requests and appeals?

As a micro-agency, CIGIE has been able to rely on the explanation of its processes for handling FOIA requests and appeals specified in its published regulations implementing the FOIA, found in part 9800 of title 5 of the U.S. Code. As of the end of the reporting period, CIGIE had no other SOPs.

b. If not, does your agency have plans to create FOIA SOPs?

Early in Fiscal Year 2021, CIGIE began developing a FOIA SOP and expects to complete it before the end of the next reporting period.

c. In addition to having SOPs, does your agency post or otherwise describe your standard processes for handling requests on your website?

CIGIE's FOIA regulations are posted on the CIGIE website along with the email address of a FOIA mailbox. Additionally, CIGIE posts a FOIA Guide and Handbook for frequently asked questions.

5. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2020.

Approximately ten occasions.

6. Does your agency frequently receive common categories of first-party requests? If so, please describe the types of requests and if your agency has explored establishing alternative means of access to these records outside of the FOIA process.

CIGIE's first-party requests are of two primary categories. The first category consists of requesters seeking records that CIGIE does not maintain. These requesters mistake CIGIE for various state and local entities, as well as other federal agencies, that track immigration and past criminal records. In response to such requests, CIGIE typically provides no-records responses and, where possible, tries to suggest other avenues of inquiry for the requesters.

The second category consists of requesters who were involved in CIGIE Integrity Committee matters (e.g., witnesses, complainants, subjects, etc.). Many CIGIE Integrity Committee records are law enforcement sensitive and are subject to a Privacy Act system of records with exemptions. Accordingly, the proper review and processing of such requests requires careful and rigorous application of competing concerns in the Privacy Act and FOIA.

7. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?

CIGIE's FOIA regulations are dated October 3, 2018. They incorporate the requirements of the FOIA Improvement Act of 2016, including notification to requesters of the mediation services offered by the Office of Government Information Services at NARA.

8. Please explain how your agency worked to mitigate the impact of the COVID-19 pandemic on FOIA processing.

CIGIE has operated on maximum telework since mid-March 2020. With the exception of two requests that rely on paper records, the pandemic has had minimal impact on FOIA processing.

9. Please describe any challenges your agency faces in the area of operating efficiently and effectively.

CIGIE continues to adapt its FOIA program to the statutory changes resulting from the Inspector General Empowerment Act of 2016, Public Law 114-317, 130 Stat. 1595 (IGEA). Most notably, the IGEA expanded CIGIE's responsibilities to include maintenance of the records of CIGIE's Integrity Committee by CIGIE's Chairperson. Before the IGEA's passage, the Federal Bureau of Investigation maintained Integrity Committee records. On October 3, 2018, CIGIE published a revision to its FOIA regulations to conform with the IGEA requirements, thereby creating a centralized CIGIE FOIA program. As was anticipated, CIGIE then inherited numerous complex FOIA requests. CIGIE did not, however, anticipate the sharp increase in new requests related to both Integrity Committee records and other CIGIE records; CIGIE similarly did not anticipate complications in the transfer of Integrity Committee records to CIGIE. The last of the files are still in the process of being transferred to CIGIE.

Furthermore, the need to establish CIGIE's Pandemic Response Accountability Committee (PRAC), discussed further in the response to question V(F), diverted resources beginning in late March 2020. This slowed CIGIE's momentum in processing several older requests. At the same time that the PRAC's needs began to require additional CIGIE resources, CIGIE received an influx of new requests. All of these factors created challenges to CIGIE's ability to operate efficiently and effectively.

For Fiscal Year 2021, CIGIE's focus is on closing the ten oldest open requests while simultaneously keeping up with new requests and streamlining internal practices.

Section III: Steps Taken to Increase Proactive Disclosures

1. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times under FOIA. Please include links to these materials as well.

Towards the end of the reporting period but after the end of Fiscal Year 2020, CIGIE proactively posted on its FOIA reading room two previously released letters that it determined would likely become the subject of subsequent requests. These letters pertain to unsubstantiated allegations made against former U.S. Department of State Inspector General Steve Linick.

Additionally, CIGIE continues to strive to provide public access to information about CIGIE as well as the broader oversight community. While not technically proactive disclosures pursuant to FOIA, CIGIE continues to post material to its website, such as: the Integrity Committee Annual Report; updated information about Integrity Committee processes; Training Institute schedules; CIGIE "views letters," which are letters from CIGIE leadership to Congress, usually expressing CIGIE's views on legislation that affects the Inspector General Community; and updated resources, such as manuals for various aspects of oversight, including peer reviews.

2. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public?

Yes. CIGIE is in the process of redesigning the website to include an improved search functionality.

3. Do your FOIA professionals have a system in place to identify records for proactive disclosures? If so, describe the system that is in place.

As a micro-agency, decisions regarding proactive disclosure are typically made on a case-by-case basis. Particularly as CIGIE's Office of General Counsel is involved with every FOIA request, this process has worked well historically. CIGIE will reevaluate the need to implement a more formal process if deemed necessary.

Section IV: Steps Taken to Greater Utilize Technology

1. Please briefly describe the types of technology your agency uses to support your FOIA program.

CIGIE uses Adobe Acrobat Professional for redaction of electronic documents; Microsoft 365 eDiscovery tools to search for responsive electronic documents; and Excel to track FOIA requests.

2. Has your agency reviewed its FOIA website during the reporting period to ensure it addresses the elements noted in the DOJ guidance from 2017?

The CIGIE home page includes a clear link to the FOIA homepage, which in turn includes a drop-down menu for the following areas of interest: Annual Chief FOIA Officer Reports; Annual FOIA Reports; FOIA Reading Room; FOIA Guide and Handbook; FOIA Regulations; and FOIA Quarterly Reports. During the reporting period, CIGIE conducted a thorough review of FOIA webpages on its website. As a result of the review, CIGIE has been working with an inter-disciplinary team with the goal of revising such webpages, focusing particularly on improving the content and search functionality of the FOIA Reading Room. The goal is to make the website more easily searchable, as not everything that is posted can be readily located by members of the public who are not already familiar with CIGIE programs and operations.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2020?

No.

4. If your agency did not successfully post all quarterly reports, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2021.

Due to resourcing constraints, CIGIE did not successfully post all quarterly reports in Fiscal Year 2020; however, CIGIE has already posted the quarterly report for the first quarter of Fiscal Year 2021 and intends to continue to post quarterly reports on time going forward.

5. Please provide the link to the raw statistical data used to compile the Fiscal Year 2019 Annual FOIA Report and, if available, the Fiscal Year 2020 Annual FOIA Report.

2019 Annual Report:

https://ignet.gov/sites/default/files/files/CIGIE_FY19_Final_Annual_Report.pdf

https://ignet.gov/sites/default/files/files/CIGIE_FY19_Final.xml

2020 Annual Report:

<https://ignet.gov/sites/default/files/files/CIGIEFY20Final.pdf>

(xml format not yet posted)

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

A. Simple Track

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

Yes. CIGIE processes requests using a multitrack processing system. There are three processing tracks: An expedited track, if the request qualifies; a simple track; and a complex track.

2. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2020?

According to CIGIE's 2020 Annual FOIA report, the average number of days to process simple requests was 26 days, and the median number was 7 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2020 that were placed in your simple track.

Of the 80 requests processed in fiscal year 2020, approximately 14 percent (11) were placed in the simple track

4. 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?

Not applicable.

B. Backlogs

Backlogged Requests

5. If your agency had a backlog of requests at the close of Fiscal Year 2020, did that backlog decrease as compared with Fiscal Year 2019?

At the end of Fiscal Year 2019, CIGIE had a backlog of 72 requests. At the end of Fiscal Year 2020, CIGIE had a backlog of 73 requests.

6. If not, did your agency process more requests during Fiscal Year 2020 than it did during Fiscal Year 2019?

Yes. In Fiscal Year 2020, CIGIE processed 80 requests. This is a record number and is nearly double the total of 41 requests processed in Fiscal Year 2019.

7. If your agency's request backlog increased during Fiscal Year 2020, please explain why, and describe the causes that contributed to your agency not being able to reduce its backlog.

CIGIE processed a record number of requests during Fiscal Year 2020, 80 in total, but the backlog remained essentially the same (72 at the end of Fiscal Year 2019 versus 73 at the end of Fiscal Year 2020). This was due chiefly to the continued increase in requests (71 in Fiscal Year 2019 versus 75 in Fiscal Year 2020) and the complexity of many of the pending requests.

8. 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 2020.

97%.

Backlogged Appeals

9. If your agency had a backlog of appeals at the close of Fiscal Year 2020, did that backlog decrease as compared to Fiscal Year 2019?

No. CIGIE had no appeals backlog in Fiscal Year 2019. CIGIE had one backlogged appeal in Fiscal Year 2020.

10. If not, did your agency process more appeals during Fiscal Year 2020 than it did during Fiscal Year 2019?

Yes. In Fiscal Year 2020, CIGIE processed three appeals; it did not process any appeals in the preceding fiscal year.

11. If your agency's appeal backlog increased during Fiscal Year 2020, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

CIGIE's single appeals backlog is due solely to the fact that the records that need to be searched are paper records located in a locked cabinet in the CIGIE building. The requester has been advised of this fact and has agreed to a lengthy extension to allow CIGIE staff time to safely return to the office to search the paper records.

12. 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 2020.

100%.

C. Backlog Reduction Plans

13. If your agency had a backlog of 1000 requests or more, has your agency implemented a backlog reduction plan?

Not Applicable.

14. If your agency had a backlog of 1000 requests or more, please explain your agency's plan to reduce this backlog during Fiscal Year 2021.

Not applicable.

D. Status of Oldest Requests, Appeals and Consultations

Oldest Requests

15. In Fiscal Year 2020, did your agency close the ten oldest pending perfected requests that were reported in the 2019 Annual FOIA Report?

CIGIE closed all but one of the ten oldest pending perfected requests that were reported in the 2019 Annual FOIA Report.

16. 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 2019 Annual FOIA Report.

CIGIE closed nine of the ten oldest pending perfected requests that were reported in the 2019 Annual FOIA Report. On October 8, 2020, CIGIE closed the tenth request.

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

As mentioned in V.D.16 above, CIGIE closed the last of the ten oldest open requests from Fiscal Year 2019 in early Fiscal Year 2021. Also in Fiscal Year 2021, CIGIE has closed another six of the next ten oldest open requests.

Ten Oldest Appeals

18. In Fiscal Year 2020, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2019?

Not applicable.

19. If no, please provide the number of these appeals your agency was able to close.

Not applicable.

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

The only pending appeal remains open due to pandemic-related circumstances that are beyond CIGIE's control.

Ten Oldest Consultations

21. In Fiscal Year 2020, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2019?

Not applicable.

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year.

Not applicable.

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

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

See the response to question II(9) above.

24. 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 received, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Not applicable.

25. 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 2021.

As noted in the response to question V(D)(16) above, CIGIE closed the last of the ten oldest requests on October 8, 2020. It has since closed five more of ten oldest requests, as reported for Fiscal Year 2020. The single backlogged appeal will be resolved as soon as staff are able to safely return to the office building and can search the responsive paper records stored there.

F. Success Stories

- CIGIE processed a record number of requests in Fiscal Year 2020, 80 in all. This number was almost double the number processed in Fiscal Year 2019 (41).
- In furtherance of its mission to promote transparency and support oversight, the newly created CIGIE PRAC quickly launched a website ([PRAC | Pandemic Oversight](#)). Visitors to the website can see the details of the \$2.6 trillion coronavirus relief spending provided by the Coronavirus Aid, Relief and Economic Security Act (CARES Act) and three related pieces of legislation. The website also displays the details of the \$900 billion in spending under the pandemic relief legislation enacted in December 2020, thereby adding to the transparency of CIGIE's oversight work.
- CIGIE continues to maintain Oversight.gov, which was launched in 2017 and is now integral to pandemic oversight as well as oversight generally. Oversight.gov is a publicly accessible, searchable website containing the latest public reports from Federal Inspectors General who are members of CIGIE. Between January 2020 and January 2021, CIGIE continued to operate and enhance Oversight.gov. During this time, Inspectors General uploaded more than 2,700 new oversight reports that, before Oversight.gov, would have been distributed across approximately 70 separate government websites. The website now contains a total of over 18,000 reports. In addition, through this website, CIGIE has continued to provide the public with near real-time information about the amount of potential savings Inspectors General have identified. Moreover, CIGIE enhanced the site by developing an "Open Recommendations" feature, currently in a beta test, that allows users to view, search, and filter approximately 4,000 unimplemented Inspector General recommendations to improve the economy and efficiency of Federal Government agencies.
- CIGIE maintains a presence on Twitter (@OversightGov) so that interested members of the public can follow work taking place throughout the Inspector General community. There are now over 16,000 followers.