



## **ACUS 2018 Chief FOIA Officer Report (Fewer Than 50 Requests)**

**Chief FOIA Officer: Shawne McGibbon, General Counsel**

ACUS's FOIA program has not changed substantially since its inception in 2010 because ACUS continued its tradition of excellent FOIA administration—the agency continues to have zero backlogs, maintain an average response time for simple requests of about 1 day, and disclose hundreds of records on its website proactively. These results are grounded in continuous agency-wide efforts to promote transparency in our agency's operations and to promote good customer service.

On its website, ACUS encourages requesters to contact the FOIA office to ask if information is available prior to making a formal FOIA request. This minimizes the administrative burden on the requester and the agency, and it demonstrates a spirit of cooperation and open communication.

Highlighted below are some of the steps ACUS has taken to implement FOIA requirements during this reporting period, March 13, 2017- March 12, 2018. These measures are consistent with agency's small size (~16 FTEs), the very small number of requests received per year (12 during this reporting period), and the types of requests received (a significant number of requests are from prisoners for which there are no responsive documents).

### **Program Evaluation:**

- ACUS conducted a review of its FOIA program and determined that no changes were appropriate in light of the program's very small size and continued outstanding results (except for changes required by law and OIP guidance).
- ACUS amended its existing FOIA regulations to implement the requirements of the FOIA Improvement Act of 2016, and during this reporting period, has successfully implemented those requirements (e.g., noting in response letters that requesters have 90 days to appeal a decision).
- ACUS (and a number of other agencies of varying sizes) participated in a GAO audit of FOIA compliance (results pending).

### **Training:**

- Two senior ACUS officials comprise the agency's FOIA team, the General Counsel and Deputy General Counsel, both of whom attended substantive FOIA training sessions during the reporting period.

### **Proactive Disclosures:**

- ACUS continues to disclose proactively all releasable agency records that may be of interest to the public. This includes records related to both ongoing and completed ACUS projects such as comments, meeting agendas, archived videos, consultant reports,

and draft recommendations. 500 items were proactively disclosed last year—an increase from the previous year.

- ACUS regularly communicates with its stakeholders to ensure that all releasable records of potential public interest are proactively disclosed on its website.
- ACUS continually reminds all agency employees that they are empowered to identify and disclose proactively any releasable record on the agency’s website.

**Use of Technology to Facilitate Receiving and Processing Requests:**

- ACUS continues to maintain a website that has been praised for its usability and security—it was updated and upgraded in 2017 to make information more accessible and to make the website more user-friendly. This website enhances the level of information usability and security by making many ACUS records available in both a plain text and PDF format.
- ACUS continues to provide a user-friendly online FOIA request form on its website.
- ACUS continues to use e-mail or other electronic means to communicate with requesters whenever feasible.
- ACUS continues to allow requesters to receive most releasable records in an electronic format.