



ACUS 2019 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 has continued its tradition of excellent and effective FOIA administration—the agency continues to have zero backlogs, maintain an average response time for simple requests of about 1 day, and to have in place a practice of regularly disclosing 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, 2018- March 12, 2019. These measures are consistent with agency's small size (~16 FTEs), the very small number of requests received per year (19 during this reporting period), and the types of requests received (a significant number of requests are from prisoners for which this agency has 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 website to incorporate amendments to its FOIA regulations in accordance with the requirements of the FOIA Improvement Act of 2016 and, during this reporting period, has updated its FOIA Reference Guide.
- ACUS continued its practice of communicating directly with FOIA requesters whenever any question arose about the content or scope of a request.
- ACUS's FOIA Public Liaison was a member of the Archivist's FOIA Advisory Committee during the reporting period and lessons learned from his participation were incorporated into ACUS's FOIA practices, as appropriate.

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 and final recommendations.
- ACUS makes available on its website the complete contents of its major publications. During this reporting period, these included: *Federal Administrative Procedure Sourcebook* (chapter 13 contains substantial discussion and resources on FOIA);

Sourcebook of United States Executive Agencies (2nd ed.); and *Model Adjudication Rules* (revised and updated from 1993).

- 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. The website was updated and upgraded substantially in 2017 to make information more accessible and to make it more user-friendly. The website enhances the level of information usability and security by making many ACUS records available in both plain text and PDF formats. The agency's Information Technology Specialist is responsible for ensuring reliable functioning of the website and for assisting, as needed, in conducting electronic searches in connection with FOIA requests.
- 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 furnish releasable requested records in an electronic format and in accordance with requesters' preferences whenever possible.