



ACUS 2017 Chief FOIA Officer Report (Small-Volume Agency)

Chief FOIA Officer: Shawne McGibbon, General Counsel

During the 2017 reporting period, ACUS continued its tradition of excellent FOIA administration—the agency continues to have zero backlogs (which has been the case since the agency opened its doors in 2010), maintains an average response time for simple requests of only 1.28 days, and proactively disclosed over 200 records on its website. These outstanding statistics are the result of an agency-wide effort to continually improve both the FOIA process and the transparency of agency operations.

Highlighted below are some of the steps ACUS has taken to implement [President Obama's FOIA Memorandum](#) and the [Department of Justice's 2009 FOIA Guidelines](#). These steps are reflective of the agency's small size (~16 FTEs), the very small number of requests received per year (~25 received per year), 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, finding no changes were appropriate in light of the program's very small size and continued outstanding results.
- ACUS amended its existing FOIA regulations to implement the new requirements of the FOIA Improvement Act of 2016.

Training:

- ACUS' FOIA team is composed of two senior staff members, the General Counsel and Deputy General Counsel, both of whom attended substantive FOIA training sessions, including many of the seminars/events offered by OIP.

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, consultant reports, and draft recommendations.
- 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.



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Application of the Foreseeable Harm Standard:

- ACUS did not have the opportunity to release records under the foreseeable harm standard during the reporting period—the only information withheld under an exemption was PII not appropriate for release.

Use of Technology to Facilitate Processing Requests:

- ACUS continues to maintain a model agency website that has been praised for its usability and security. 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.

Reporting Requirements:

- ACUS complied with the DOJ/OIP annual and quarterly reporting requirements during the 2017 reporting period by posting the reports on its website in a timely manner.