

## **Chief FOIA Officer Report**

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This report addresses how the U.S. Trade and Development Agency (USTDA) has implemented President Obama's FOIA memorandum (FOIA Memorandum) and DOJ's 2009 FOIA guidelines (DOJ Guidance) during the period, March 2018 to March 2019. In fiscal year 2017, USTDA received 30 FOIA requests, and in fiscal year 2018, USTDA received 22 FOIA requests. As a small-volume agency, USTDA provides this report in a narrative format addressing the key topics in the FOIA Memorandum and the DOJ Guidance.

### 1. Presumption of Openness

USTDA is a small, federal agency with less than 60 federal employees. The agency's mission is to help companies create U.S. jobs through the export of U.S. goods and services for priority development projects in emerging economies. Given the nature of USTDA's mission, the agency has a strong interest in making sure that accurate, relevant information about its activities is available to and easily accessible by the public. USTDA maintains an index to its virtual library on its website, <https://www.ustda.gov/about/ustda-library>, where any person can search for and request reports on agency-funded feasibility studies and technical assistance projects.

USTDA has assigned one Assistant General Counsel to review FOIA requests as part of the Assistant General Counsel's overall responsibilities. Due to the small number of FOIA requests, the Assistant General Counsel is able to personally review each request, applying the presumption of openness. In addition, USTDA has assigned an Information Resource Assistant (IRA) to help the Assistant General Counsel log and process FOIA requests. USTDA has found that its system for processing FOIA requests is efficient and ensures the meaningful application of the presumption of openness to each request.

### 2. Effective System for Responding to Requests

When a new FOIA request is received by USTDA, the request is logged into the agency's electronic FOIA log and forwarded to the Assistant General Counsel in charge of FOIA matters, who reviews the request. The search for responsive documents is initiated promptly by the Assistant General Counsel in coordination with the IRA. The Assistant General Counsel ultimately determines whether USTDA has any responsive documents and applies the presumption of openness in determining which documents are releasable. In the "spirit of

cooperation”, the Assistant General Counsel will seek clarification, as appropriate, from requesters rather than deny poorly drafted requests, and regularly responds to requesters’ questions. The Assistant General Counsel continuously works to ensure that the system for responding to requests is effective and efficient, and if necessary, implements changes or improvements as appropriate.

### 3. Proactive Disclosures

USTDA is a commercially-focused agency with a significant interest in disseminating clear and useful information about its activities to the public, and therefore, maintains an organized, searchable and regularly updated website with information on past and ongoing projects and activities. The reports detailing the results of such studies and projects are made public through the USTDA library, and the index to those reports is publicly available on the USTDA’s website at <https://www.ustda.gov/about/ustda-library>. Members of the public may browse the index on the website and may request a copy of these reports via email.

The website also provides updates on agency initiatives such as the “Global Procurement Initiative: Understanding Best Value” and the “U.S. Gas Infrastructure Exports Initiative”, and provides numerous press releases regarding projects funded by the agency. USTDA’s Public Affairs plays an active role in identifying material that should be published on the website and uses a variety of social media tools and platforms to publicize and highlight information regarding USTDA’s ongoing activities, including through regular updates on the agency’s blog and its Twitter, Facebook, and YouTube pages.

### 4. Technology

USTDA uses internet technology to disseminate agency information to an increasingly broader audience. Through innovative use of the internet, social media, and coordination with other agencies and organizations, USTDA shares the latest information on its programs, projects, and events through its own social media platforms and the websites of other organizations with greater user traffic so that the information released by the agency can reach a larger audience.

USTDA also posts information on a regular basis on its blog and social media pages. One of the main goals of these initiatives is to solicit and facilitate feedback and comments on the content and presentation of posted material. Given the increasing focus on online engagement and the use of multiple social media platforms and formats, USTDA believes that its current system makes appropriate use of technology.

USTDA is constantly striving to improve access and usefulness to agency information and to facilitate openness and engagement with the public. USTDA’s website is designed to provide an optimal “user experience” interface specifically when accessed using smartphones and other mobile devices. These technological improvements and innovations, however, do not substitute for communication by email and telephone, which USTDA FOIA professionals still use whenever appropriate.

### 5. Timeliness and Reducing Backlogs

In an effort to increase timeliness, USTDA utilizes a separate track for simple requests so that they can be quickly processed while more complex requests may be pending. During fiscal year 2018, USTDA processed a total of 19 requests, and the median number of days to process these requests was 81 calendar days (or approximately 57 working days). At the end of fiscal year 2018, USTDA had a backlog of 28 outstanding FOIA requests, an increase of three from the 25 outstanding FOIA requests in the agency's backlog at the end of fiscal year 2017. In fiscal year 2019, USTDA is planning to dedicate additional resources to its FOIA efforts in order to significantly reduce its backlog and reduce its response time to FOIA requests by the end of the fiscal year. USTDA has developed an effective system for responding to FOIA requests and continues to improve upon that system based on lessons learned.