

United States Section
International Boundary and Water Commission
United States and Mexico (USIBWC)

Chief FOIA Officer Report
March 2010

Part I: Steps Taken to Apply the Presumption of Openness

1. An update was provided to FOIA Office personnel in response to the President's memorandum and Attorney General's guidelines dated March 19, 2009. Guidance regarding the presumption of openness is discussed with staff and FOIA Office personnel on a regular basis. In April of 2009, all employees of the agency were provided a copy of the President's FOIA Memorandum dated January 21, 2009, and also were provided a copy of the Attorney General's March 19, 2009 FOIA Guidance. Any such guidance is also saved electronically to a database for continual reference by FOIA Personnel. In FY 2009, a number of historical memoranda properly withheld in the past as deliberative process documents were subject to discretionary disclosure and released pursuant to the new presumption.

2. When compared, the 2009 and 2008 Annual Reports had an equal number of full grants. The 2009 and 2008 reports both had a total of 11 total grants. The 2009 report had a total of 4 partial grants, while the 2008 report had a total of 6 partial grants. In both reports, the principle reason for denials was that the agency search did not locate records responsive to the request.

Part II: Steps Taken to Ensure that USIBWC has an Effective System for Responding to Requests

While the USIBWC has endeavored to make its FOIA Requester Service Center page as user-friendly as possible, steps have been taken to further improve requesters' ability to make a request, including links to the procedure on making a request, an email link for submission of emailed requests, and the creation of a downloadable FOIA request form. In addition to further ensuring requests are properly processed, a confirmation of receipt is sent and tracking number is assigned to all requests received, regardless of whether it is anticipated that a response will be provided within ten or less days. Third, the agency anticipates the naming of a new Chief FOIA Officer within the coming weeks, in lieu of the departures of the last 2 Chief FOIA Officers over the past year. While the FOIA Officer has worked to ensure continuity, fulfillment of the CFO position should assist in the general effectiveness of the program. Last, the FOIA Office has maintained a productive relationship with IT Staff in ensuring that any helpful changes or additions of information to the FOIA service center page are made in a timely manner, in addition to being provided sufficient IT support where necessary.

Part III: Steps Taken to Increase Proactive Disclosures

The agency has taken steps to post electronically helpful information related to the agency's directives. Specifically, the agency has posted directives related to its equal employment opportunity program. The agency will continue to work in reviewing requests and examining data sets within the agency to determine helpful and frequently requested data.

Part IV: Steps Taken to Greater Utilize Technology

1) Does agency currently receive requests electronically?

The agency currently receives requests by email, fax and has added a downloadable electronic FOIA Request form to FOIA Requester Service Center page.

2.) If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

N/A

3.) Does your agency track requests electronically?

The agency uses spreadsheets as well as the scanning of all requests which are then saved to a database accessible by FOIA Personnel.

4.) If not, what are the current impediments to your agency utilizing a system to track requests electronically?

N/A

5.) Does your agency use technology to process requests?

The agency utilizes interoffice email, MS Word and a scanner to document and process FOIA Requests.

6.) If not, what are the current impediments to your agency utilizing technology to process requests?

N/A

7.) Does your agency utilize technology to prepare your agency Annual FOIA Report?

The agency utilizes MS Word, Excel and other office equipment as necessary to prepare the FOIA Annual Report.

8.) If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

N/A

Part V: Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

1. Backlog Status

The USIBWC receives a comparatively smaller number of requests each year; therefore, the agency has been able to maintain its number of backlogged requests at zero, or at a minimal number. Further, with exceptions, the agency has been able to respond to the majority of requests within the 20 day statutory time limit. There were zero (0) requests backlogged at the end of both Fiscal Years 2008 and 2009.

2. If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

N/A

3. Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

Better and timelier coordination is being emphasized within the agency to ensure or attempt to ensure that all requests are responded to within the 20 day time frame. In addition, there has been timelier response and coordination where a FOIA Request is sent to another division improperly. In the past in such instances, an excessive number of days would pass without the request being timely and appropriately forwarded to the FOIA Office.