

2016 Chief FOIA Officer Report
UNITED STATES SECTION
INTERNATIONAL BOUNDARY & WATER COMMISSION
UNITED STATES AND MEXICO (USIBWC)



Chief FOIA Officer: Rebecca A. Rizzuti, Assistant Attorney-Advisor

Section I: Steps Taken to Apply the Presumption of Openness

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

No. During the 2016 Calendar year, one of the Agency's two attorneys, both of whom work on FOIA, and/or the legal assistant who helps administer the FOIA program will attend a FOIA training program.

2. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

None.

3. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

The Agency does not have a formal training plan. During the 2016 Calendar year, one of the Agency's two attorneys, both of whom work on FOIA, and/or the legal assistant who helps administer the FOIA program will attend a FOIA training program.

4. Does your agency have a distinct process or system in place to review records for discretionary release?

The Agency reviews records for discretionary release on a case-by-case basis.

5. During the reporting period, did your agency make any discretionary releases of information?

No.

6. What exemption(s) would have covered the material released as a matter of discretion?

N/A.

7. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

N/A.

8. If your agency was not able to make any discretionary releases of information, please explain why.

Of the 28 requests that were processed this year, 16 were full grants and 9 were partial grants. The majority of the partial grants were redacted for exemptions that do not lend themselves to discretionary releases – specifically, exemptions 4 and 6. The other redactions were made for Exemption 5 (the deliberative process privilege) and there was not an opportunity for the Agency to make a discretionary release of the protected information.

9. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

No.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

1. For Fiscal Year 2015, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2015 Annual FOIA Report.

The Agency did not adjudicate a request for expedited processing this year.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A.

3. On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

Yes, the Agency had to send one "still interested" inquiry and it did so in accordance with the new OIP guidelines.

4. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here

The Agency has not taken any recent steps to strengthen FOIA requester services because of the low volume of FOIA requests received by the Agency. Due to the low volume of requests, the Agency's FOIA contacts are able to provide robust requester services to each FOIA requester, and the Agency FOIA contacts regularly engage in direct communication with FOIA requesters regarding their individual requests.

5. *If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.*

N/A.

Section III: Steps Taken to Increase Proactive Disclosures

1. *Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.*

The Agency has no formal system or process for identifying “frequently requested” records. But, because the FOIA staff is small and the volume of FOIA requests relatively low, the staff can identify what type of data is frequently requested without a formal process.

2. *Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.*

No.

3. *When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.*

N/A.

4. *Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?*

No.

5. *If so, please briefly explain those challenges.*

N/A.

6. *Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.*

None.

7. *Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.*

N/A.

For example, this can be done through social media or with the offering of e-mail subscription services.

N/A.

8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

This year, the Agency has identified three type of records that are frequently requested – water quality data in the lower Rio Grande; Transboundary Aquifer Assessment Program data; and geographic information system (GIS) data. During 2015, the Agency began creating web portals to this frequently requested information and posting data that has been approved for release through these portals. The Agency anticipates that these portals will go live during 2016.

Section IV: Steps Taken to Greater Utilize Technology.

1. Beyond posting new material, is your agency taking steps to make the posted information more useable to the public, especially to the community of individuals who regularly access your agency's website?

None.

2. If yes, please provide examples of such improvements.

The Agency's current portals provide information in their most useful format. A menu on the Agency's homepage (<http://www.ibwc.gov/home.html>) allows a user to navigate through a variety of publicly available data, such as water bulletins, stream gauge data, outfall monitoring, and maps.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

No.

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2016.

The Agency posted three of its quarterly reports in accordance with Department of Justice Guidance. Currently, Quarters 1 and 2 are available via the Agency's website. The Agency posted the Quarter 3 report at : www.ibwc.gov/foia/quarterly/USIBWC-2015-Q3.zip. Due to an administrative issue, the Agency was unable to post its Quarter 4 report. The Agency is working to correct the administrative issue to ensure all of its FY16 Quarterly Reports are posted to its website and in accordance with Department of Justice Guidance.

5. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible?

The Agency FOIA contacts use e-mail to communicate with requesters as its default.

6. If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

N/A.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

1. Does your agency utilize a separate track for simple requests?

No.

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

N/A.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

None.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

Yes.

5. If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

Yes, there was a decrease. The Agency had zero (0) backlogged requests at the close of Fiscal Year 2015 and three (3) at the end of Fiscal Year 2014.

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

N/A.

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2015.

N/A.

8. *If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?*

The Agency had zero (0) backlogged appeals at the close of Fiscal Year 2015 and zero (0) backlogged appeals at the close of Fiscal Year 2014.

9. *If not, explain why and describe the causes that contributed to your agency not being able reduce backlog. When doing so, please also indicate if any of the following were contributing factors:*

N/A.

10. *If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with "N/A."*

N/A.

11. *In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?*

Yes.

12. *If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.*

N/A.

13. *Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?*

None.

14. *In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?*

There were no Appeals pending at the close of Fiscal Year 2014.

15. *If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

N/A.

16. *In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?*

There were no consultations pending at the close of Fiscal year 2014.

17. *If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.*

N/A.

18. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.*

There were no obstacles.

19. *If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.*

N/A.

20. *If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2016.*

N/A.

23. *Does your agency have a system in place to provide interim responses to requesters when appropriate?*

The Agency has no formal system to provide interim responses. However, the Agency's FOIA contacts provide interim releases of information for requests that are either (1) high in volume or (2) require lengthy time-periods to find and/or redact responsive documents.

Use of the FOIA's Law Enforcement Exclusions

1. *Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?*

No.

2. *If so, please provide the total number of times exclusions were invoked.*

N/A.