

2018 Chief FOIA Officer Report
UNITED STATES SECTION
INTERNATIONAL BOUNDARY & WATER COMMISSION
UNITED STATES AND MEXICO (USIBWC)



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Implementing the presumption of openness.

The International Boundary and Water Commission, United States and Mexico, United States Section (Agency) has focused on implementing Freedom of Information Act (FOIA) Memoranda and the Department of Justice's 2009 FOIA Guidelines by focusing on two areas of its FOIA program: (1) disclosures to the public and (2) improving procedures for processing FOIA requests.

Disclosures to the public.

The Agency received 52 perfected requests this year, and 4 of those produced no responsive information. Of the 48 remaining requests, the Agency made 20 full grants releasing information without any redaction.

Twenty-five percent of the FOIA requests received by USIBWC during 2017 were for hydrologic, water-flow, or water accounting data. The Agency proactively discloses some of this data on its website and is working to broaden the type of water-related data available on its website. For example, the current website has 30 days of instantaneous data and a complete historic record of daily average flows for our active accounting gages. However, information like older instantaneous data, data on inactive gages, non-accounting gage data, rainfall data, water elevation data, and water quality data is limited and located in old water bulletins. The Agency is currently developing a Water Data Portal that will provide a broad range of data, including the data listed above that is currently only available in dated water bulletins. The Portal is in its final development stage and the Agency hopes to launch it in the spring of 2018 at: <https://waterdata.ibwc.gov/>.

Some water data requests include gaging stations and data not controlled by the Agency. For those requests, the Agency released the data for its gaging stations and then referred the requester to the appropriate state or federal agency for the remaining gaging stations.

In responding to all requests, the Agency continues to apply a presumption of openness. Most redactions made by the Agency to responsive documents are b (2) (redactions to internal personnel practice information); b (6) (to protect information that would constitute an invasion of personal privacy) or b (5) (to protect deliberative materials or attorney-client communication). The Agency assesses whether a discretionary release is appropriate on a case-by-case basis using the “foreseeable harm” standard. To ensure requesters receive information as quickly as possible, the Agency releases information on a “rolling” basis if the request results in large volumes of information being released.

The Agency has assessed whether requesters are still interested if the FOIA office does not receive responses to follow-up inquiries to maximize the limited resources of the FOIA office.

Effective System for Processing FOIAs.

The Agency has, for the last four years, used individualized tracking numbers to track requests and ensure response times are prompt, and has used email to convey that tracking number and date of request to requesters. The Agency administers FOIA in the spirit of cooperation and routinely corresponds with requesters via email and telephone to ensure that the Agency’s response will result in relevant information and is processed in the most effective manner. The Agency always provides the option that the requester can contact the Agency’s FOIA personnel directly with questions or concerns in an effort to efficiently address issues with individual FOIA requests. The Agency continued its effective administrative procedure for processing FOIA requests in a timely manner using internal calendars, reminders, and a weekly FOIA report to internally track the Agency’s success in responding to FOIA requests in a timely manner.

The Agency is participating and has established its account in the National FOIA Portal.

The FOIA office continued to operate with 2 staff members who dedicate a portion of their work time to processing FOIA requests. One staff member attended the U.S. Department of Justice (DOJ) FOIA training in June of 2017 and both staff members plan to attend training during 2018.

The 2 staff members manage FOIA by dividing FOIA tasks. One staff member is tasked with maintaining and organizing FOIA files; using templates to respond to FOIA requests; filing quarterly reports; and gathering responsive information. This year, that staff member has started a FOIA index to internally track the progress and final disposition of all FOIA requests, creates a weekly progress report on open FOIA requests which is relayed to the Agency's upper management, and has assisted with some redactions under the supervision of the other staff member. The other staff member gathers responsive information; reviews responsive materials; makes redactions when appropriate; reviews communications before they are sent to requesters; makes determination on appropriate redactions, final disposition of the request, requests for expedited processing (if any), and requests for fee waivers; and compiles the annual reporting information required by DOJ with the assistance of the other staff member.