

AFRICAN DEVELOPMENT FOUNDATION
Chief FOIA Officer Report, March 2010

I. Steps Taken To Apply the Presumption of Openness

The guiding principle underlying the President's FOIA memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

1. Description

Question I-1. *Describe below the steps your agency has taken to ensure that that presumption is being applied to all decisions involving the FOIA. This section should include a discussion of the range of steps taken by your agency to apply this presumption, from publicizing the President's FOIA Memorandum and Attorney General's FOIA Guidelines and providing training on them, to implementing the presumption in response to FOIA requests and administrative appeals, with examples or statistics illustrating your agency's action in making discretionary releases of records or partial releases when full disclosure is not possible.*

Response I-1. The African Development Foundation's ("ADF") guiding principle under FOIA is a presumption of openness in making information about ADF available to the public. As stated in ADF's implementing regulations on FOIA,

It is the policy of the African Development Foundation that information about its operations, procedures, and records be freely available to the public in accordance with the provisions of the Freedom of Information Act.

The Foundation will make the fullest possible disclosure of its information and identifiable records consistent with the provisions of the Act and the regulations in this part.

22 C.F.R. § 1502.1(a) & (b). ADF's FOIA regulations describe ADF's policy and procedures for the public to submit FOIA requests and for ADF to receive and respond to FOIA requests. 22 C.F.R. §§ 1502.1-1502.10. ADF's regulations are in the process of being updated to correct clerical inaccuracies (*e.g.*, ADF's current postal and website addresses).

ADF has not received a FOIA request since 2004, and that request was withdrawn. ADF submitted its first Annual FOIA Report, for fiscal year 2009, to the Office of Information Policy ("OIP") of the Department of Justice ("DOJ") in February 2010. ADF has taken steps to post the final report on its website at www.usadf.gov, along with its Chief FOIA Officer Report and other information on FOIA.

ADF's website, www.usadf.gov, contains a myriad of information readily available to and accessible by the public, including information on ADF's policies, programs, Board of Directors and staff, projects funded, news releases, photographs, grant applications, and links to relevant statutes and reports. The website also tells the public how to contact ADF for

further information, and contains a link for direct email contact. The website is updated on a regular basis.

2. Disclosure Comparisons

Question I-2. *Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.*

Response I-2. ADF has no information to report here. As noted above, the most recent FOIA request received by ADF was in 2004 and that request was withdrawn prior to the time a response was due.

II. Steps Taken To Ensure that Your Agency Has an Effective System for Responding to Requests

Question II-1. *As the Attorney General emphasized in his FOIA Guidelines, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.*

Response II-1. At ADF FOIA requests are directed to attorneys in the Office of General Counsel (OGC). ADF is a relatively small government agency, with approximately 50 staff members in Washington, D.C., and local personnel working for ADF in the approximately 20 countries in Africa where ADF currently has programs. OGC identifies ADF staff most likely to have documents responsive to a FOIA request and directs the request to them, with instructions on how and when to provide to OGC the information and documents that may be responsive to the request. OGC then reviews the documents for privileged and confidential information, determines whether any of the FOIA exemptions apply, and prepares and sends out the response to the FOIA request in a timely manner. ADF has IT professionals on staff who provide support to all ADF personnel on accessing and searching various databases, as well as utilizing IT technology to prepare responses to FOIA requests.

III. Steps Taken To Increase Proactive Disclosures

Question III-1. *Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received. Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines.*

Response III-1. As described above, ADF maintains and updates on a regular basis a comprehensive website on the Foundation, its policies and programs, www.usadf.gov. Toward the end of 2008, ADF management identified transparency and openness as one of the Foundation's core operating principles. As stated on the website, ADF aims to: "Achieve the highest levels of OPENNESS AND TRANSPARENCY." Toward that end, ADF's efforts to substantially enhance its website and make more information readily available to the public continued throughout 2009 up to the present.

A notable addition to the website has been the "Quick Source" link, which provides a simple way to understand ADF's operations and programs. The link affords access to four main categories of information: Financial and Compliance, Personnel, Contracts, and Programs. The Financial and Compliance section includes ADF's Congressional Budget Requests for the past several years, audits of ADF's programs by the U.S. Agency for International Development's Inspector General, and reports on ADF's compliance with the Federal Information Security Management Act. The Program section contains detailed information on the area representing the majority of ADF expenditures. It describes the grants awarded by ADF by country, objectives, budgets, and locations, and includes photographs of the projects. The Personnel section includes a list of ADF management and staff and Annual Employee Survey Reports. As noted above, the website also allows the public to contact and request additional information from ADF by email.

Most recently, ADF set up a page on its website describing its Open Government Program. The page includes an up-to-date listing of ADF's active grants and a Financial Accounting and Transparency Act Report. It invites the public to provide feedback on the quality and importance of the information available on the website.

IV. Steps Taken To Utilize Technology

A key component of the President's Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. For this section of the Chief FOIA Officer Report, please answer the following question:

Question IV-1. *Does your agency currently receive requests electronically?*

Response IV-1. As stated above, ADF has no current FOIA requests, and received its last FOIA request, which was subsequently withdrawn, in 2004. However, ADF's website provides for ADF to receive via email requests from the public for more information on ADF. ADF has taken steps to add information on FOIA to its website, such as its 2009 FOIA Annual Report, its current Chief FOIA Officer Report, and instructions for submitting a FOIA request to ADF.

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

Response IV-2. See response above. There are no current impediments.

Question IV-3. *Does your agency track requests electronically?*

Response IV-3. ADF has no current FOIA requests but does have the capability to track requests electronically.

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

Response IV-4. See response above. There are no current impediments.

Question IV-5. *Does your agency use technology to process requests?*

Response IV-5. ADF has no current FOIA requests but does have the capability to process requests electronically.

Question IV-6. *If not, what are the current impediments to your agency utilizing technology to process requests?*

Response IV-6. See response above. There are no current impediments.

Question IV-7. *Does your agency utilize technology to prepare your agency Annual FOIA Report?*

Response IV-7. ADF utilized technology to prepare its 2009 Annual FOIA Report.

Question IV-8. *If not what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?*

Response IV-8. See response above. There are no current impediments.

V. Steps Taken To Reduce Backlogs and Improve Timeliness in Responding to Requests

Improvements in timeliness in responding to pending FOIA requests and reductions in backlogs is an ongoing agency effort. Both the President and the Attorney General emphasized the importance of improving timeliness in responding to requests. Section XII of your Annual FOIA Report includes figures that show your agency's backlog of pending requests and administrative appeals for the previous fiscal year and for this current fiscal year. Your Chief FOIA Officer Report should address the following elements.

1. Backlog Status

Question V-1. *If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of the numbers of backlogged requests and*

administrative appeals that remain pending at the end of the fiscal year, and in terms of the age of those requests and appeals.

Response V-1. As stated above, ADF has no current FOIA requests, has not had a FOIA request since 2004 and that request was withdrawn, and consequently has no backlogged requests or pending administrative appeals.

2. Backlog Reduction Steps

Question V-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.*

Response V-2. See response above. N/A.

3. Steps to Improve Timeliness

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

Response V-3. See response above. N/A.