

**March 2022 to March 2023 Chief FOIA Officer Report
for the United States International Development Finance Corporation**

DFC Chief FOIA Officer: Dev Jagadesan, Deputy General Counsel for Administration

SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

A. Leadership Support for FOIA

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level? No. As a small agency, DFC has only two Presidentially Appointed and Senate confirmed (PAS) positions, that of Chief Executive Officer and Deputy Chief Executive Officer. These positions are not encumbered with individuals with FOIA experience and DFC therefore assign the role to a Senior Level (SL) executive employee.

2. Please provide the name and title of your agency's Chief FOIA Officer. Dev Jagadesan, Deputy General Counsel.

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan? DFC is committed to transparency, accountability, and proper stewardship of its resources, as these principles are critical to DFC's successful operation in an environment of public trust.

This commitment to transparency echoes throughout DFC, which includes proactive disclosures to DFC's public website of meaningful information related to DFC's programmatic and administrative operations; interactive exchanges with members of the public and various interested stakeholders led by DFC's Office of External Affairs; and steadfast operation of a dedicated and responsive FOIA program. This is vital to DFC's maintaining public trust and confidence in its operations.

B. Presumption of Openness

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters? Yes.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. With respect to these responses, please answer the below questions:

a. In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a *Glomar* response? Yes.

If yes, please provide:

i. the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible); 0

ii. the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times). 0

b. If your agency does not track the use of *Glomar* responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved. N/A

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

SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel. The DFC FOIA Office offers FOIA training to new agency personnel and refresher training to employees by request. The FOIA Office is also made available to any employee to answer questions during day-to-day agency operations.

2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice? Yes, FOIA Staff attended vendor-provided FOIA training as well as several virtual Department of Justice, Office of Information Policy (DOJ OIP) FOIA training sessions.

3. If yes, please provide a brief description of the type of training attended or conducted and the topics covered. DFC Staff attended FOIA training sessions spanning the breadth of FOIA practice which included topics such as: Procedural Requirements; Fees and Fee Waivers; Litigation Considerations; FOIA Exemptions with specific focus on Exemptions 4, 5, and 6; and Advanced Litigation Considerations.

4. Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period. 100%

5. 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. N/A

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations and expectations during the FOIA process? FOIA Staff met with managers and other staff to discuss the FOIA program generally, as well as to provide guidance on specific disclosures. Additionally, incoming DFC senior leaders as a part of initial ethics training also received a period of instruction on the FOIA to include obligations and expectations of federal employees under the FOIA.

B. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration. No. DFC FOIA Staff communicated directly with requesters as a regular part of processing and took into account any comments or queries submitted regarding general FOIA administration.

8. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples. Yes. Starting with the FOIA intake process and throughout processing, DFC FOIA staff engage in dialogue with FOIA requesters pertaining to complex and voluminous requests. FOIA staff offer options and make themselves available for further discussion as it relates to clarifying or narrowing requests so as to permit quicker processing.

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2022 (please provide a total number or an estimate of the number). 0

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement. Yes, DFC evaluated the allocation of personnel resources. DFC also increased resourcing to its FOIA program by allocating access to electronic records processing software.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used. DFC reviewed its procedures and records management as well as DFC's historic and anticipated FOIA volume during the process of integrating additional staffing to the workflow.

12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here. N/A

SECTION III: PROACTIVE DISCLOSURES

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures. The DFC FOIA staff coordinates internally with the DFC Office of External Affairs to ensure identification, tracking, and posting of (a)(2) proactive disclosures on DFC's public website.

2. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well. DFC posted

copies of its Congressional Budget Justification, Operating Plan, annual report (which include audited financial statements), brief summaries of all board approved projects; summaries of any environmentally or socially sensitive projects prior to approval; and provided many other types of information on its website.

- DFC Transaction Data: <https://www.dfc.gov/our-impact/dfc-transaction-data>
- DFC All Active Projects: <https://www.dfc.gov/our-impact/all-active-projects>
- DFC Claims Determinations and Arbitral Awards: <https://www.dfc.gov/who-we-are/transparency-and-accountability>
- DFC Disclosure Statement on the Operating Principles for Impact Management: <https://www.dfc.gov/our-impact/impact-quotient-iq>
- Frequently requested FOIA records are available at DFC's FOIA Library: <https://www.dfc.gov/foia>

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

4. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges. The DFC's website is reviewed for potential enhancements to readability, usability, and other improvements in order to make posted information more useful to the public and to those regularly accessing DFC's website.

5. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction. Yes. The DFC FOIA staff coordinates with agency staff in DFC's Office of External Affairs. This office manages DFC's public website and coordination with this office ensures identification, tracking, and posting of (a)(2) proactive disclosures on DFC's public website.

6. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area. N/A

SECTION IV: STEPS TAKE TO GREATER UTILIZE TECHNOLOGY

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands? Yes.

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program. During Fiscal Year 2022, DFC began using Microsoft eDiscovery Premium tool which provides additional machine-enhanced FOIA processing and workflow solutions for DFC's FOIA program.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time

and financial resources are saved since implementing the technology. DFC does not currently use automated processing software that includes machine learning or predictive coding.

4. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance? Yes.

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2022 appear on FOIA.gov? Yes.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2023. N/A

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2021 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report. <https://www.dfc.gov/foia>

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance? Yes.

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area. N/A

SECTION V: STEPS TAKEN TO REMOVE BARRIERS TO ACCESS, IMPROVE TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOGS

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first-party requested records outside of the FOIA process? No, DFC does not commonly receive first-party requests.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know. Should DFC receive an increased number of first-party requests, DFC staff would further explore opportunities to establish alternative means of access to these records outside of the FOIA process.

B. Timeliness

3. For Fiscal Year 2022, 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 2022 Annual FOIA Report. 10

4. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2022 Annual FOIA Report, 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

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

6. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2022? No.

7. If not, did the simple track average processing time decrease compared to the previous Fiscal Year? No.

8. Please provide the percentage of requests processed by your agency in Fiscal Year 2022 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100. 68%

9. 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? N/A

C. Backlogs

BACKLOGGED REQUESTS

10. If your agency had a backlog of requests at the close of Fiscal Year 2022, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021? Yes.

11. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021? N/A

12. If your agency's request backlog increased during Fiscal Year 2022, please 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:

- An increase in the number of incoming requests
- A loss of staff
- An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible. N/A

13. 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 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A." 135%

BACKLOGGED APPEALS

14. If your agency had a backlog of appeals at the close of Fiscal Year 2022, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021? N/A

15. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021? N/A

16. If your agency's appeal backlog increased during Fiscal Year 2022, please 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:

- An increase in the number of incoming appeals
- A loss of staff
- An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible. N/A

17. 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 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2022 and/or has no appeal backlog, please answer with "N/A." N/A

D. Backlog Reduction Plans

18. In the 2022 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2021 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2022? N/A

19. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your agency's plan to reduce this backlog during Fiscal Year 2023. N/A

E. Reducing the Age of Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

20. In Fiscal Year 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report? No

21. 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 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. 0

22. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests. DFC hired full-time FOIA staff and enhanced the ability to process records with new capabilities related to electronic records processing. It is anticipated that these additional resources will help to reduce the overall age of pending requests.

TEN OLDEST APPEALS

23. In Fiscal Year 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2021 Annual FOIA Report? There were no ten oldest appeals in FY21.

24. 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 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. N/A

25. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals. N/A

TEN OLDEST CONSULTATIONS

26. In Fiscal Year 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report? There were no ten oldest consults in FY21.

27. 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 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that. N/A

ADDITIONAL INFORMATION REGARDING TEN OLDEST

28. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2023. In addition to filling full-time FOIA vacancies, DFC intends to train additional staff to assist processing FOIA requests on a part-time basis. Further, DFC also recently acquired enhanced electronic software capabilities to assist in increased FOIA processing efficiency. It is anticipated that DFC will increase its ability to reduce its FOIA backlog as DFC FOIA Staff continue to work with these new electronic software capabilities.

F. Additional Information about FOIA Processing

29. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration. Yes. DFC litigated three FOA suits, one of which concluded during Fiscal Year 2022. As a small office without a dedicated FOIA litigation office, FOIA requests which involve litigation meaningfully contribute to DFC’s overall FOIA backlog given the resources required to manage litigation. All three FOIA suits involve DFC’s anticipated response timeline as a leading cause of litigation.

30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your agency’s FY22 raw data). 49 (this figure includes backlogged requests pending at the start of Fiscal Year 2022).