

March 2021 to March 2022 Chief FOIA Officer Report
for the United States International Development Finance Corporation

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

Section 1: Steps Taken to Apply the Presumption of Openness

A. FOIA Leadership

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. Is your agency's Chief FOIA Officer at or above this level?

No. As a small agency, DFC had only two Presidentially Appointed and Senate confirmed (PAS) positions, that of Chief Executive Officer and Deputy Chief Executive Officer. Neither of these individuals had FOIA experience and DFC therefore assigned the role to a Senior Level (SL) executive employee who was a Senior Executive Service (SES) equivalent and had FOIA expertise. (Note that DFC is exempt from the SES).

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

B. FOIA Training

3. 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.

4. 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 several virtual Department of Justice, Office of Information Policy (DOJ OIP) FOIA training sessions.

5. If yes, please provide a brief description of the type of training attended or conducted and the topics covered. DFC Staff attended the following DOJ OIP training sessions: Procedural Requirements; Fees and Fee Waivers; Litigation Considerations; Exemption 4; Exemption 5; and Advanced Litigation Considerations.

6. 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%

7. 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

8. Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period? Yes, FOIA staff participated in records management training sessions provided by the DFC Records & Information Management team.

C. Outreach

9. Did your FOIA professionals engage in any outreach or dialogue 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. 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.

D. Other Initiatives

10. 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.** FOIA Staff met with managers and other staff to discuss the FOIA program generally, as well as to provide guidance on specific disclosures.
- **If senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?** 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.

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

1. For Fiscal Year 2021, 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 2021 Annual FOIA Report. 8

2. 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 2021 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

3. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations? Yes

4. Standard Operating Procedures (SOPs) generally document your agency's internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's guidance, having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your agency have up-to-date internal SOPs for your FOIA administration? Yes

5. If not, please provide a timeline for when your agency plans to develop or update its SOPs. N/A

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

7. If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access. Should the agency receive an increased number of first-party requests, agency staff would further explore opportunities to establish alternative means of access to these records outside of the FOIA process.

8. Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program. DFC reviewed and updated its procedures and records management during the process of integrating additional staffing to the workflow.

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 FY 2021 (please provide a total number or an estimate of the number). 0

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

11. Optional -- Please describe:

Best practices used to ensure that your FOIA system operates efficiently and effectively

Any challenges your agency faces in this area.

Section III: Steps Taken to Increase 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 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>

3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.

-DFC Active Projects: <https://www.dfc.gov/our-impact/all-active-projects>

-DFC Reports: <https://www.dfc.gov/media/reports>

-DFC Environmental and Social Impact Assessments: <https://www.dfc.gov/what-we-offer-eligibility-our-investment-policies/environmental-and-social-impact-assessments>

4. 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

5. 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 agency'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.

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction. Yes. The DFC FOIA staff coordinates 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.

Optional -- Please describe:

Best practices used to improve proactive disclosures

Any challenges your agency faces in this area

Section IV: Steps Taken 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. DFC is continuing to explore the possibility of potential software solutions to increase FOIA processing efficiency.

3. 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

4. Did all four of your agency's quarterly reports for Fiscal Year 2021 appear on your agency's website and on FOIA.gov? All quarterly reports were uploaded and reported to FOIA.gov as required by DOJ Office of Information Policy (OIP).

5. 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 2022. N/A

6. 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 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 Annual FOIA Report. <https://www.dfc.gov/foia>

7. Optional -- Please describe:

Best practices used in greater utilizing technology

Any challenges your agency faces in this area

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

A. Simple Track

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

2. 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 2021? No

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 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. 93%

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? N/A

B. Backlogs

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2021, 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 2020? No

6. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020? Yes

7. If your agency's request backlog increased during Fiscal Year 2021, 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.

Despite processing more requests than FY 2020, the number of backlogged requests increased in FY 2021. The loss of dedicated FOIA staff and in an increase in the complexity of requests significantly contributed to the agency's number of backlogged requests. These types of requests include requests for significant numbers of agency records, to include complex requests for correspondence spanning the agency and which require multiple iterations of outside agency consultations and third-party notices. Additionally, the COVID-19 pandemic has caused additional issues for FOIA requests which require in-person, on-site records searches.

8. 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 2021. 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." 90.1%

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, 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 2020? N/A

10. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020? N/A

11. If your agency's appeal backlog increased during Fiscal Year 2021, 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

12. 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 2021. 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 2021 and/or has no appeal backlog, please answer with "N/A." N/A

C. Backlog Reduction Plans

13. In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2020 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 2021? N/A

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, please explain your agency's plan to reduce this backlog during Fiscal Year 2022. In particular, please also detail how your agency developed and plans to execute your backlog reduction plans. N/A

D. Status of Oldest Requests, Appeals, and Consultations

OLDEST REQUESTS

15. In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2020 Annual FOIA Report? No

16. 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 2020 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. 0

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests. DFC is hiring additional full-time FOIA staff with the anticipation that resources are allocated to reducing the overall age of pending requests.

TEN OLDEST APPEALS

18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2020 Annual FOIA Report? N/A

19. 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 VI.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. N/A

20. 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

21. In Fiscal Year 2021, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report? N/A

22. 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 2020 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that. N/A

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020. Similar to FY 2020, DFC continued to experience an increased surge in FOIA volume, to include increasingly complex requests which require multiple interagency consultations and third-party notices. FOIA staff turnover during the fiscal year also contributed to reduced FOIA processing capacity.

24. 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

25. 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 2022. In addition to filling vacancies for positions with full-time FOIA staff, DFC intends to train additional staff to assist processing FOIA requests on a part-time basis. The agency is also exploring the possibility of potential software solutions to increase FOIA processing efficiency.

F. Success Stories

Out of all the activities undertaken by your agency since March 2021 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas, but should not be something that you have reported in a prior year. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report. The DFC FOIA Office made a committed effort to continue to engage FOIA requesters from the time of initial receipt of a FOIA request, through final processing of the request. This engagement and communication with requesters helped to clarify the language of requests; discuss useful and meaningful ways to adjust the scope of larger requests; and manage expectations and understanding of the FOIA process.