

# **2014 Chief FOIA Officer Report**

## **The Office of Navajo and Hopi Indian Relocation**

As directed by the Office of Information and Policy, this annual report will focus on five key areas with brief information given regarding each are to describe the activities that the agency has completed in the last year. The six areas are the steps taken to apply the presumption of openness, steps taken to ensure that the agency has an effective system in place for responding to requests, steps taken to increase proactive disclosures, steps taken to greater utilize technology, steps taken to reduce backlogs and improve timeliness in responding to requests, and use of law enforcement exclusions to FOIA.

It should be noted that the ONHIR Executive Director has directed Chief FOIA Officer Scott Kuhr to release information unless there is a clear and compelling reason not to do so. When possible, ONHIR has a dialogue with requesters so that they are provided the information they are seeking and need. ONHIR has been successful for many years in avoiding any appeals of decisions made by the Chief FOIA Officer to either the ONHIR Executive Director or to the Courts.

- I. Steps taken to apply the presumption of openness. Relative to this step, the ONHIR has posted the President's FOIA Memorandum and the Attorney General's FOIA guidelines for review and reviewed our records to determine the exact nature of any old or incomplete FOIA requests. Additionally, we conducted a training session at our annual staff meeting where all staff (100%) was given a FOIA refresher by the FOIA Officer, with an emphasis on the elements of a request needed from the public. Due to budget constraints, no external trainings were attended by any staff. Due to budget and time constraints we did not file quarterly FOIA reports. If budget and time constraints change in the future we will. We have not modified our internal guidance to reflect on the presumption of openness, have made no discretionary releases of information, and have taken no other steps to apply the presumption of openness primarily because none were needed. Regarding training, we will explore additional training for FOIA staff in the next year, subject to

budget constraints. We have a very small community that requests records from our agency and no outreach was conducted to that community. Our policy is to release records in full and we generally do that in all cases unless statute prevents it. Please see the FOIA Annual Report on our web site for details on the number of FOIA requests and other information regarding disclosure. In general requests received are processed very quickly and records are disclosed in full. The majority of our agency's records relate to specific clients of the agency and because of this consent is needed to access them by the public. Due to this situation, discretionary disclosures are not possible and are not generally used by the agency. In the event that we obtain records that would be appropriate for discretionary disclosure, we will disclose them.

- II. Steps take to ensure that your agency has an efficient and effective system in place for responding to requests. The ONHIR has an electronic log to track requests that indicates the date received, date responded to, number of working days required and describes the nature of the response. The log is updated as requests are received. The FOIA professionals have sufficient support from IT. The FOIA staff interacts with our Open Government Team in face to face meetings as required. Regarding reclassifying OFIA staff to different job descriptions, the ONHIR has no full time FOIA staff that this would apply to and none of our existing staff will be changed in the next year. Please see our annual reports for total requests processed. Our staffing for FOIA is adequate as shown by our timely responses, and there are essentially no steps required to improve this system. All requests for expedited processing were adjudicated within ten days. If there s a need for an interim response to a requester, we will issue one. There is regular interaction between FOIA staff and agency management. Please see the FOIA annual Report on our web site for details on the types of FOIA requests made, the time required to process them and other information. Since the system in place works well, we do not set goals to improve it, consult with other agencies, make or intend to make any other changes unless specifically noted.
- III. Steps taken to increase proactive disclosures. We have made no proactive disclosures. Our agency records include detailed private information on individual clients and are generally not appropriate for this type of disclosure. We have had no regular or repeated requests for

information under FOIA, but if we did would consider making a proactive disclosure. We have not added any new material to our agency website in the last year other than the posting of the current FOIA annual report, no records have been posted, and there is no system in place to identify records that could be posted. The nature of our records make it unlikely that posting will be used in the future. We do not use social media to disseminate information and don't plan on taking any steps to increase proactive disclosures in the future. If there are requests from the public to make changes or improve our web site, we will evaluate them then.

- IV. Steps taken to greater utilize technology. We have responded to requests received electronically and in paper form. The electronic requests typically take the form of emails. Many requests are from clients who are not sophisticated technologically so paper requests are the preferred form. We will accept FOIA requests in any form. If requested, we would respond to requests in electronic form, either in scanned pdf documents or other appropriate format. Regarding electronic receipt of FOIA requests everyone in the agency has the ability to accept these (through email) and that has not changed in the last year. None of our agency staff have the ability to track FOIA requests electronically, and the log is maintained by the Chief FOIA Officer on his computer. We don't anticipate changing that since it is not required to improve efficiency in the system. No one in the agency has the ability to process FOIA requests other than the Chief FOIA Officer and that works well. That is done by reading the email. We don't anticipate changing that since it is not required to improve efficiency. Our Annual FOIA Report is prepared by the Chief FOIA officer on a personal computer using word processing software, a spreadsheet, and the internet. We do not have the capability to track FOIA requests through our web site and do not intend to get it since the vast majority of our clients are elderly and do not have computer skills or access to the internet. A phone call works well to track existing FOIA requests.
- V. Steps taken to reduce backlogs and improve timeliness in responding to requests. We do not have a backlog of requests and all requests are dealt with in a timely manner. We do not have or need a separate track for simple FOIA requests. In FY 2013 we averaged 8.53 days to process FOIA requests, which is very good. Our policy is that if a request is going to take longer than average, we will notify the requestor of the

delay and expected date of completion. Current staffing and IT support are adequate to meet our agency FOIA needs. Any questions relating to a backlog are not applicable since we don't have one. We are not a law enforcement agency and did not use statutory exclusions relating to law enforcement in the last year.

### **Spotlight on Success**

The one area that was particularly successful in improving FOIA compliance this year was continuing improvement of the spreadsheet we use to track requests. Now the spreadsheet calculates the number of working days used to respond, which will make the preparation of the annual report easier and automatically sorts the request by number. In general, the FOIA process is working smoothly at ONHIR and all support needed to succeed in processing the requests in a timely manner is present. We have a long track record of responding to requests quickly, and hope to continue to comply with FOIA in this manner.