



**USAID**  
FROM THE AMERICAN PEOPLE

**Annual Report of the  
Chief Freedom of Information Act (FOIA)  
Officer**

**Frederick M. Nutt**  
**Chief FOIA Officer**

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## I. Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the Department of Justice's FOIA Guidelines is the presumption of openness. Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. Include any additional information that illustrates how your agency is working 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?

Yes.

2. Please provide the name and title of your agency's Chief FOIA Officer.

The Chief FOIA Officer of the U.S. Agency for International Development (USAID) is Frederick M. Nutt, the Assistant Administrator for Management.

### B. FOIA Training

3. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes.

4. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

Every member of the USAID workforce must complete one of the two online courses detailed below each year:

*Records-Management for Senior Officials* is a mandatory online course for individuals in executive positions at USAID who are responsible for oversight, management, and decision-making. The course describes the role and importance of senior officials in properly managing Federal Government records and complying with the FOIA.

*Records-Management for Everyone* is a mandatory-online course for non-senior officials designed to inform USAID's workforce of their records-management responsibilities and obligation to adhere to the requirements of the FOIA.

In addition to the above-mentioned mandatory courses, during Fiscal Year (FY) 2019 USAID's FOIA professionals also participated in the substantive training described below:

*Records- and Information-Management at USAID*

This is a week-long dynamic training, led by USAID records-management and FOIA professionals, that builds on our *Records-Management for Everyone* online course. Participants engage in hands-on exercises designed to increase their understanding of records-management and responsibilities under the FOIA. Training topics include identifying and applying dispositions to records, developing electronic record-filing schemes, searching for records in response to a request under the FOIA, and applying redactions to support recommendations on which documents to release.

*Best Practices Workshop: Administrative Appeals*

Taught by the Office of Information Policy at the U.S. Department of Justice, this is a full-day program that provides lectures and discussions on the importance of establishing good relationships with Agency Operating Units to obtain records and information; communicating effectively with requesters; managing administrative appeals to provide timely responses; and collaborating with the Agency's FOIA attorney, Assistant U.S. Attorneys and the courts regarding litigation.

*Freedom of Information Act for Attorneys and Access Professionals*

Taught by the Office of Information Policy at the U.S. Department of Justice, this is a two-day program that provides an overview of the FOIA's procedural requirements and each of the law's nine individual exemptions, basic principles for processing requests under the FOIA from start to finish, the FOIA's proactive disclosure requirements, and the interface between the FOIA and the Privacy Act.

*Freedom of Information and Privacy Acts*

Offered by Graduate School USA, this is a three-day program that provides advice to FOIA professionals on how to respond fairly to the public's right to know; how to keep personal information, in addition to proprietary corporate information, private; how to sanitize information to make records releasable; and when to charge fees.

*12th Annual National Conference on FOIA and the Privacy Act of the American Society for Access Professionals (ASAP)*

This three-day conference provides in-depth analysis on the administration of the FOIA, updates to case law, and direct dialogue with members of the requester community. This conference is mandatory for all USAID's professionals with primary FOIA responsibilities.

- 5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.**

One hundred percent of USAID's FOIA Specialists (Government Information Specialists) attended substantive training on the FOIA.

- 6. 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.**

Not applicable.

#### C. Outreach

- 7. 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.**

USAID's FOIA professionals attended ASAP's *12th Annual National Conference on FOIA and the Privacy Act*. At the conference, our FOIA professionals attended sessions with panels led by the members of the requester community and open-government groups. Beyond attendance at these sessions, USAID has not engaged in any outreach with the requester community.

#### D. Other Initiatives

- 8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.**

USAID informs all of its non-FOIA professionals of their obligations under the FOIA through various methods, including the following:

- Two mandatory online training courses—*Records-Management for Senior Officials* and *Records-Management for Everyone*. See details for both courses in response to Question 4 above; and
- Agency-wide notifications to USAID's entire workforce about enhancements to our FOIA policy and administration of the FOIA.

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

As a matter of routine, USAID ensures the application of the presumption of openness to all determinations about which documents to release. USAID recognizes that some of the FOIA's exemptions are discretionary, such as Exemption (b)(5), which protects the internal deliberative process. In the interest of transparency, all USAID's FOIA Specialists collaborate

with our Bureaus, Independent Offices, and Missions to ensure all recommendations for the release of documents comport with the foreseeable-harm standard codified in the FOIA Improvement Act of 2016.

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

**The Department of Justice's FOIA Guidelines emphasize that "[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." It is essential that agencies effectively manage their FOIA program.**

**Describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. Include any additional information that describes your agency's efforts in this area.**

- 1. For Fiscal Year (FY) 2019, what was the average number of days your agency reported for adjudicating requests for expedited processing?**

In FY 2019, the average number of days to adjudicate requests for expedited processing at USAID was 1.66 days.

- 2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

Not applicable.

- 3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.**

As a matter of routine, throughout the year USAID conducts self-assessments of our FOIA program through the following methods:

- Applying the DOJ Self-Assessment Toolkit;
- Reviewing the metrics in our *Annual Report*;
- Reviewing the FOIA regulations;
- Revising the Agency's FOIA policy;
- Updating our response templates; and
- Enhancing the Agency's FOIA training materials.

- 4. 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 2018 (please provide a total number or an estimate of the number).**

In FY 2019, fewer than 10 requesters sought assistance from USAID's FOIA Public Liaison.

**5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.**

USAID routinely assesses our overall FOIA program to identify and implement greater efficiencies. Each year, we evaluate our FOIA Specialists' caseloads to apply focused attention to backlogged and complex requests (*e.g.*, requests for emails and those that require a search of multiple Bureaus or offices, that pre-date USAID's existence in 1961, or that require language translation, *etc.*), while addressing incoming new requests. In addition, USAID has procured tools and continues to improve on our software to streamline electronic searches and processing. USAID has also secured contract staff to support both processing and e-discovery efforts, including the de-duplication of electronic records, and carrying out compliance with Section 508 of the Rehabilitation Act of 1973 for proactive disclosure.

In 2019, USAID further revised Chapter 507 of our organization policy, referred to as the Automated Directives System to bifurcate our FOIA program between the Agency and its Office of the Inspector General.

### III. Steps Taken to Increase Proactive Disclosures

**The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.**

**1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.**

Continuing its focus on transparency, USAID proactively does the following:

- Discloses all transcripts of the Administrator's public events, and also releases readouts of the Administrator's various bilateral and multilateral meetings with other leaders (<https://www.usaid.gov/news-information/speeches-testimony>); (<https://www.usaid.gov/news-information/press-releases/aug-23-2019-usaid-administrator-mark-green-meets-nigerian-vice-president-yemi-osinbajo>); (<https://www.usaid.gov/administrator-green-east-africa>);
- Discloses the results of USAID-funded projects and activities on our Development Data Library (DDL) (<https://data.usaid.gov/>), the Agency's official, publicly available, on-demand data repository, in the form of reports and publications and related data resources, including scientific and research data:

- As a best-practice digital archive actively managed by a staff of data-curators, the DDL strives to preserve and accelerate the re-use of valuable data to advance international development and improve programmatic performance;
  - New features in the DDL allow users to visualize data; download data in their raw form; track changes over time; or create dynamic connections via an Application Programming Interface (API) to filter, query, and aggregate data;
  - The data collected by USAID's partners around the world are immensely rich, and hold the potential to improve the lives of some of the world's most-vulnerable people; when a development project ends, the data can yield new insights for years or decades into the future;
  - Releases to the DDL showcase the results of USAID's activities and interventions, to help the public understand our development outcomes and impact around the globe; and
  - Through the publications of the DDL, the Agency was on track to increase the total number of publicly available data assets (project- and activity-related datasets) by 15 percent at the end of FY 2019;
- Hosts unique microsites for each of the Administrator's trips that gather all associated news releases, statements, speeches, statements, and social-media postings, as well as any supporting data, in a one-stop page, which increases access and improves usability;
  - Posts a series of podcasts, led by the Administrator, that promote the direct and accessible communication of the Agency's priorities (<https://www.usaid.gov/usaid-leads/ep-009-feb-2019/video>); and
  - Publishes the results of USAID-funded projects, activities, and initiatives on our Development Experience Clearinghouse (DEC), the Agency's repository for reports, evaluations, and other publications:
    - In FY 2019, USAID published 37,086 new documents, 74 images, 173 videos, and 76 digital audios to the DEC, and also uploaded metadata for 15,850 peer-reviewed articles.

In addition:

- In FY 2018, for the first time USAID published sub-national, activity-level data in the standard set by the International Aid Transparency Initiative (IATI) (<http://www.d-portal.org/ctrack.html?search&country=JO&publisher=US-GOV-1#view=mai>), and

continued to add location information for our field Missions as it became available in FY 2019:

- Detailed project, sub-national, location, and results data enhance development-coordination efforts and support more strategic engagements with host-country governments.
- In FY 2018, USAID began publishing data in the IATI 2.03 standard (<https://www.iatiregistry.org/>), including more-detailed reporting on humanitarian financing and enhanced traceability of funds from USAID through partners.
  - In FY 2019, USAID continued to participate in a pilot with the Financial Tracking Services of the United Nations Office for the Coordination of Humanitarian Affairs to streamline humanitarian reporting to the platform through automated IATI data feeds, rather than manual monthly submissions (<https://fts.unocha.org/>).
  - USAID added FY 2018 data to the Dollars to Results website (<https://results.usaid.gov/>), the only place where the Agency systematically and publicly reports on the impact of our work by linking illustrative results for each Fiscal Year to disbursements (spending) from the same Fiscal Year. USAID also added links to the Journey to Self-Reliance Roadmaps (<https://selfreliance.usaid.gov/>):
    - Dollars to Results is a rich resource that provide a more-granular look into the Agency's work to support the Journey to Self-Reliance.
- 2. 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.

**3. If yes, please provide examples of such improvements?**

- The Agency started posting our quarterly report on our implementation of the Federal Information Security Modernization Act (FISMA), which provides a snapshot of the current-year programs, projects, and ongoing initiatives in place to address vulnerabilities identified in our FISMA audit for FY 2018 (<https://www.usaid.gov/reports-and-data/fisma-quarterly-reporting-update>).
- Every year, Congress asks the Agency to submit a series of reports on various matters of concern. In addition to the [listing on usaid.gov of the standard required reports](#), in an effort to provide a maximum of transparency to the general public, USAID now is making additional project-focused reports available on the DEC website (<https://dec.usaid.gov/dec/home/Default.aspx>).

- Additionally, the Agency has published our Annual Financial Reports back to 1998, which provides context for our stewardship for taxpayer funds and outlines steps the organization has taken to demonstrate transparency.
- The Agency also posts all of our *Regional or Country Development Cooperation Strategies* (RDCS and CDCS) on our public website (<https://www.usaid.gov/results-and-data/planning/country-strategies-cdcs>):
  - The RDCS and CDCS play crucial roles both internal and external to the Agency. Internally, they serve as roadmaps for decision-making throughout the implementation period of a *Strategy*, from the design of a project or activity through learning and adapting, and brings all relevant stakeholders to a common understanding of priorities.
  - Externally, the strategy-development process creates opportunities to engage local stakeholders and partners and harmonize USAID’s efforts with those of other actors.
- The Agency established USAID Open as a function in Washington, D.C., to respond to inquiries received from the general public, with the exception of requests under the FOIA:
  - USAID Open, though an e-mail address ([open@usaid.gov](mailto:open@usaid.gov)) and a phone line (202-712-4810), responds to inquiries by directing the public to information already available on the usaid.gov website, or by forwarding queries to the appropriate Bureau or Independent Office to obtain relevant information for an accurate response.
- Through the use of social media (Facebook and Twitter), USAID posts information for public consumption on a regular basis:
  - These platforms provide a way for the public to engage with the Agency on a variety of subjects.
  - In addition, the public can sign up for newsletters and other types of updates; USAID maintains a number of mailing lists users can join for updates on our activities <https://www.usaid.gov/stayconnected>.
  - In addition, USAID’s <https://stories.usaid.gov/> site conveys compelling stories of individuals, families, and communities transformed because of our interventions.
- The Agency also put additional emphasis on featuring USAID’s various reports and datasets in a prominent position on our home page (<https://www.usaid.gov/reports-and-data>), and also released <https://selfreliance.usaid.gov>, a new sub-site that depicts a graphically dynamic portrayal of operations and results, and allows displays of information by country or sector indicative of each nation’s Journey to Self-Reliance:

- Each Country Roadmap is an analytic tool that visualizes a nation’s overall level of self-reliance and performance on each of 17 independent, third-party metrics.
  - The Roadmaps allow USAID to see where all countries are in their journeys, both individually and relative to the rest of the world, and help our staff develop better country strategies, engage in dialogues on development policy, and think about when to consider countries for a possible strategic transition.
  - The website also allows users to download the Roadmap data, as well as supplementary metadata and a codebook.
- The Agency continues to roll out updates to the DDL (<https://data.usaid.gov/>) to make better use of the valuable Agency-funded data gathered from all over the world:
    - In November 2018, USAID launched a new DDL platform that enables users to register or submit datasets, with new data-validation features, and empowers end-users to interact with published data through automated query and retrieval and dynamic visualizations.
    - The USAID Data-Services team that manages the DDL produced and published tutorial videos and user guides to support both submitters and end-users in the curation and use of DDL data resources.
    - The team also held Agency-wide webinars to familiarize our staff with the DDL’s data-use features.
    - As the DDL increases the number of published, available data assets, administrators, and curators work with the Agency’s stakeholders and end-users to facilitate the re-use of these valuable data resources.
- USAID regularly reviews both web and social-media analytics to evaluate the effectiveness of our delivery of information and its reach.
- Users of Dollars to Results can download data in machine-readable format for additional analysis, which allows them to look at trends in spending and results over several years or otherwise organize the data for their needs:
    - The website also features robust data notes, which users can view and download to understand the data better.
- USAID is investing in improvements in the quality of our data and looking into ways to make them more usable:
    - We are working internally to ensure our project-management system, the Development Information Solution, will improve the quality of our publications of data on foreign assistance:
      - This includes a long-term effort to improve titles, descriptions, locations, and results that will be helpful to the public

- The Aid Transparency Index, an annual scorecard produced by Publish What You Fund that rates major development actors on their commitment to open data, has recognized USAID's continued efforts to increase transparency by publishing more and better-quality financial and descriptive data:
  - In 2018, USAID ranked 16 out of 45 organizations reviewed, which puts us in the "Good" category.
  - The next Index comes out in early 2020, and USAID has been continuing to improve our transparency to earn an even better score..
- In FY 2019, USAID released a Secondary Metrics Compendium to provide additional resources for staff to understand national performance on the Journey to Self-Reliance website (<https://selfreliance.usaid.gov>). .
- IDEA (<https://idea.usaid.gov>) is USAID's public-facing repository of third-party country-level indicators:
  - Users can view specialized visualizations and download associated data and metadata that support a variety of the Agency's initiatives.
  - IDEA allows users to download the raw data used for USAID's Journey to Self-Reliance Country Roadmaps.
  - The IDEA Country Dashboard and Women's Economic Empowerment and Equality Dashboard allow users to view, visualize, and download key context indicators used by sectoral experts at USAID.
  - The website also features country profiles and analytical pieces written to support our work in a variety of countries, regions, and sectors.

**4. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.**

- During FY 2019, USAID improved and streamlined our data-publication process:
  - The process incorporates a comprehensive assessment of the risk of disclosure, which uses sophisticated statistical techniques to quantify such risks and applies approaches to mitigate them.
  - The improved procedures involve steps to address the security, privacy, confidentiality, and commercial interests that often act as barriers to the disclosure of these types of records.
  - USAID considers the nature, category, and sensitivity of each asset within its data inventory to identify opportunities for releasing the data proactively.
- Similarly, curators for the DEC continue to review all artifacts for Personally Identifiable Information and redact it as required:

- Public materials are accessible to all users of the DEC, but restricted materials are only available to authorized personnel of USAID.
- For the DEC and the DDL, USAID uses web analytic capabilities within each of the software platforms to identify and evaluate the demand for different types of information resources:
  - These analytics enable the administrators of the DDL and the DEC to prioritize data assets in the publication and clearance processes.
  - The Agency has also enabled Google Analytics to better track site visits and the number of downloads.
- USAID is committed to advancing our commitment to aid transparency and accountability, including the implementation of the Foreign Aid Transparency and Accountability Act (FATAA):
  - This includes working with USAID's Operating Units on adopting a presumption of openness while protecting sensitive information in publications of data on foreign assistance.
  - In 2019, USAID trained multiple Operating Units and field Missions, and released an internal resource document that directs the protection of the names of implementing partners.

#### IV. Steps Taken to Greater Utilize Technology

**A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.**

- 1. Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used. If not, please explain why and please describe the typical search process used instead.**

USAID uses Google Vault (GV) to conduct searches for emails efficiently. GV allows USAID to customize a search based upon users, dates, and keywords, and to exclude email that are not relevant.

- 2. 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.

- 3. Did your agency successfully post all four quarterly reports for Fiscal Year 2019?**

Yes.

4. **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 2020.**

Not applicable.

5. **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 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.**

USAID's 2018 raw statistical data are located here:

<https://www.usaid.gov/sites/default/files/USAID-FY18-Annual-Raw-Data-Report.csv>

USAID's 2019 raw statistical data are located here:

*USAID submitted data for the Annual Report and raw data to DOJ through the FOIA portal located on FOIA.gov. This is a new DOJ requirement. Both the report and the raw data are pending DOJ's approval. Once we receive approval, we will publish the report and the raw data on usaid.gov by March 1, 2020<sup>1</sup>.*

6. **Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.**

The preponderance of requests under the FOIA that USAID receives are for email records. Email communications are routinely threaded and voluminous. In an effort to reduce the time-consuming review of tens of thousands of pages, in FY 2016 USAID procured a tool to de-duplicate emails. This tool has facilitated our FOIA professionals' ability to discern the responsiveness of emails more quickly, further eliminate duplicates contained in threaded emails, and improve our response times.

## V. Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2019 Annual FOIA Report and, when applicable, your agency's 2018 Annual FOIA Report.

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<sup>1</sup> <https://www.justice.gov/oip/reports-1> (accessed January 3, 2020).

### ***Simple Track***

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

- 1. Does your agency utilize a separate track for simple requests? If your agency uses a multi-track system beyond simple, complex, and expedited to process requests, please describe the tracks you use and how they provide efficiency.**

Yes. USAID uses a separate track for simple requests. In addition, USAID uses a multi-track system, to differentiate between "simple," "complex," and "expedited" requests.

- 2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2019?**

The average number of days to process simple requests at USAID in FY 2019 was 6.25.

- 3. Please provide the percentage of requests processed by your agency in Fiscal Year 2019 that were placed in your simple track.**

In FY 2019, USAID placed 1.3 percent of our processed requests in the "simple" track.

- 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?**

Not Applicable.

### ***Backlogs***

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Years 2018 and 2019 when completing this section of your Chief FOIA Officer Report.

#### **Backlogged Requests**

- 5. If your agency had a backlog of requests at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?**

Over the course of FY 2019, the backlog of requests at USAID decreased as compared to the backlog we reported at the end of FY 2018, from 273 to 238.

6. **If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?**

Not applicable.

7. **If your agency's backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able 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.**
- **Any other reasons—please briefly describe or provide examples when possible.**

Not applicable.

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 2019.**

The percentage of requests that made up the backlog out of the total number of requests received by USAID in FY 2019 was 82 percent.

**Backlogged Appeals**

9. **If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?**

Yes.

10. **If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal year 2018?**

Not applicable.

11. **If your agency's appeal backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able reduce 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 appeals received.**
- **Any other reasons—please briefly describe or provide examples when possible.**

Not applicable.

- 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 2019. If your agency did not receive any appeals in Fiscal Year 2018 and/or has no appeal backlog, please answer with "N/A."**

Fifteen percent of the appeals made up the backlog out of the total number of appeals received by USAID in FY 2019.

### ***Backlog Reduction Plans***

- 13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2018 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 2019?**

This is not applicable to USAID, as our backlog is below 1,000 requests. However, USAID codified and implemented our FOIA-Backlog-Reduction Plan ("Plan") in January 2019. The Plan institutionalized currently employed best practices and introduced other reforms that focus on key areas of success, such as obtaining leadership support; routinely reviewing processing metrics; using resources more effectively; increasing staff training and engagement; increasing proactive disclosure; and communicating effectively with internal and external stakeholders. With its implementation, the number of backlogged requests under the FOIA and administrative appeals decreased in FY 2019.

- 14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2019, what is your agency's plan to reduce this during Fiscal Year 2020?**

This is not applicable to USAID, as our backlog is below 1,000 requests.

### ***Status of Ten Oldest Requests, Appeals, and Consultations***

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Years 2018 and 2019 when completing this section of your Chief FOIA Officer Report.

#### **Ten Oldest Requests**

- 15. In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 Annual FOIA Report?**

Yes.

- 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 2018 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

Not applicable.

- 17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.**

In FY 2019, USAID continued to place concentrated focus on our oldest requests. This approach included identifying unanswered search taskers, sending renewed search taskers, obtaining more-comprehensive release recommendations with clearly articulated foreseeable harms in the release of information deemed sensitive. In addition, our FOIA professionals engaged the Agency's senior leadership about the FOIA-Backlog-Reduction Plan and underscored the importance of prompt adherence to search taskers and actions under the FOIA assigned to their Operating Units to impress upon them that compliance with the law is everyone's responsibility..

#### **Ten Oldest Appeals**

- 18. In Fiscal Year 2019, did your agency close the ten oldest appeals that were pending as in your Fiscal Year 2018 Annual FOIA Report?**

Yes.

- 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 Section VII.C.(5) of your Fiscal Year 2018 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

Not applicable. Please note that USAID closed 7 of 7 of its oldest pending appeals from Fiscal Year 2018.

- 20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.**

USAID remains committed to addressing our oldest appeals through the strategic assessment of concerns on appeal and prioritizing the levels of effort to adjudicate the appeals in a timely manner.

#### **Ten Oldest Consultations**

**21. In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2018 Annual FOIA Report?**

Yes.

**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 2018 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

Not applicable. Please note that USAID closed 7 of 7 of its oldest pending appeals from Fiscal Year 2018.

***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 2019.**

None.

**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.**

Not applicable.

**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 2020.**

Not applicable.

## VI. Success Story

**Out of all the activities undertaken by your agency since March 2019 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. 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.**

- In FY 2019, USAID committed to the key areas of success codified in our FOIA-Backlog-Reduction Plan ("Plan"): obtaining leadership support; routinely reviewing processing metrics; using resources more effectively; increasing staff training and engagement; increasing proactive disclosure; and communicating effectively with internal and external stakeholders. Through this commitment, USAID reduced our backlog of requests from 273 in FY 2018 to 238.
- A key component of the January 2019 FOIA-Backlog-Reduction Plan is ensuring the designation of FOIA Liaison Officers (FLO) across all of the Agency's Operating Units. The FLOs are responsible for coordinating and facilitating the search and collection of potentially responsive records, in addition to obtaining recommendations for the release of documents and monitoring the production of records and recommendations on release to the assigned FOIA Specialists. The Plan mandates that senior leadership of each Operating Unit designate one FLO. In addition, it mandates that all FLOs complete training in the management of records and information. Compliance with the FOIA is everyone's responsibility and the FLOs are vital to the success of the USAID's FOIA program.