

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

(Small-Volume Agency)

2018 CHIEF FOIA OFFICER REPORT

Chief FOIA Officer: Lynn Parker Dupree, Deputy General Counsel

Introduction

The Privacy and Civil Liberties Oversight Board (“PCLOB” or “Board”) continued to implement the Department of Justice’s (“DOJ”) 2009 Freedom of Information Act (“FOIA”) Guidelines throughout the current reporting period (March 2017-March 2018). The PCLOB’s fulfillment of the Attorney General’s guidance included training of the Board’s FOIA professionals, implementation of the requirements of the FOIA Improvement Act of 2016, and the continued use of technology to timely process FOIA requests and administrative appeals.

Training

The PCLOB achieved a 100 percent compliance rate of its FOIA professionals attending FOIA training during the reporting period, including advanced FOIA processing and FOIA administrative appeals training. Moreover, all of PCLOB’s employees attended an agency-specific FOIA training created and hosted by the DOJ Office of Information Policy in August 2017. All PCLOB employees, including FOIA professionals, are required to attend at least 40 hours of professional development training each year. Such training includes training specifically focused on the employee’s day-to-day responsibilities, including implementation of the FOIA.

FOIA Improvement Act of 2016

The Board continues to work towards full compliance with the FOIA Improvement Act of 2016. In this regard, the Board approved and published a revised FOIA regulation in the Federal Register on August 28, 2017. This was the first major revision to the PCLOB’s FOIA regulation since the Board began its operations in 2012. The revised regulation and the accompanying FOIA Reference Guide seek to provide requesters with more detailed and easier-to-understand information regarding the PCLOB’s FOIA practice, in addition to complying with the new requirements of the FOIA Improvement Act. The PCLOB’s FOIA regulation and Reference Guide are available at <https://www.pclob.gov/foia/>.

FOIA Process

In addition to revising the PCLOB’s FOIA regulation, the agency’s FOIA process and practice have become more streamlined as the PCLOB continues to refine its operations. The PCLOB strives to ensure that it has an effective process in place for processing FOIA requests and administrative appeals, including meaningful customer service. The PCLOB’s FOIA Officer, FOIA Public Liaison, and Chief FOIA Officer are available to assist requesters with identifying the information they seek from the Board, working through questions regarding productions and redactions, and processing requests and appeals within the statutorily prescribed timeframes.

Presumption of Openness

As described in previous Chief FOIA Officer Reports, the presumption of openness is an inherent principle of the PCLOB's FOIA practice. The PCLOB continues to consider ways to make PCLOB's website more useful and user-friendly, as well as improving the agency's response system for FOIA requests. Throughout the reporting period, the PCLOB continued to proactively post information about the Board's activities on its redesigned website, <https://www.pclob.gov>. Also during the current reporting period, the PCLOB selected a new Acting FOIA Officer to continue the PCLOB's commitment to timely responses of all FOIA requests.

PCLOB Website Redesign

To foster increased transparency, the PCLOB maintains a public website that provides access to official PCLOB correspondence, the Board's Semi-Annual Reports to Congress, as well as Federal Register notices for the Board's public meetings and the resulting comments from the public. Furthermore, all of the PCLOB's required FOIA reports are publicly available on the website.

During the current reporting period, the PCLOB redesigned its website to provide a more intuitive and user-friendly experience for the public. The new website maintains a dedicated dashboard of all FOIA related-information, accessible at <https://www.pclob.gov/foia/>. The general accessibility of certain correspondence and documentation allows the public to review particular documents without having to file a formal FOIA request. Moreover, the redesigned layout of the website makes it easier to navigate by the public and consolidates all FOIA information into a single webpage.

New Acting FOIA Officer

The PCLOB selected a new FOIA Officer during the reporting period. The current FOIA Officer will operate in an "acting" capacity until the PCLOB hires a full-time FOIA Officer. The Acting FOIA Officer is the PCLOB FOIA professional who initially processes an individual FOIA request and responds to requestor inquiries. While the review of records for release occurs on a case-by-case basis, the Acting FOIA Officer reviews a responsive record that may be subject to a FOIA exemption to determine whether (a) the applicable exemption permits release under the foreseeable harm standard, and (b) whether the agency's interest that is protected by the exemption would be harmed. If the responsive record is subject to an exemption that permits release and the agency would not suffer harm, the PCLOB will release that record. The Board's practice is to disclose as much information as possible in a manner that is consistent with protecting predecisional and deliberative information, as well as national security, physical security, systems security, personal privacy, and law enforcement interests. The appointment of an Acting FOIA Officer demonstrates the PCLOB's continuing focus on responding to all FOIA requests in a timely and comprehensive manner, even though the Board has not had the capacity to hire new employees for a year and a half due to the Chairman's vacancy.

Conclusion

As the PCLOB continues to grow, FOIA remains at the forefront of its priorities. The Board has a statutory mandate, to the extent it can do so consistent with its obligations to protect classified and other sensitive information, to inform the public. 42 U.S.C. § 2000ee(f). The disclosure of information pursuant to FOIA requests and through proactive disclosures is one of the primary ways in which the Board satisfies its obligation to inform the public.