

Corporation for National and Community Service

2021 Chief FOIA Officer Report

Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's [FOIA Guidelines](#) is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also 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 the Assistant Secretary or equivalent level. *See* 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at this level?

Yes.

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

Fernando Laguarda, General Counsel

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.

CNCS FOIA staff take advantage of the training offered by the Department of Justice.

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.

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

Staff participated in DOJ virtual training on FOIA privacy exemptions and the Privacy Act.

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% of staff with primary FOIA responsibilities attended training.

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.

C. Outreach

8. 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.

CNCS did not engage in outreach or dialogue with the requester community.

D. Other Initiatives

9. 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.

CNCS provided FOIA training to the agency’s CEO Immediate Office, provided training on FOIA considerations to the staff who are working with our agency transition team, and simplified the “FOIA Basics for All Employees” guidance posted on our internal website to make the information easier to understand.

10. 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.

N/A.

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

DOJ’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.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should

also include any additional information that that describes your agency's efforts in this area.

1. For Fiscal Year 2020, 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 2020 Annual FOIA Report.

CNCS averaged 19 days to adjudicate requests for expedited processing.

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 2020 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.

The average of 19 represents a single request that was responded to directly by the agency's Office of Inspector General. In future, the FOIA staff will coordinate more closely with that office to emphasize communication with requesters.

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 or raw data, using active workflows and track management, reviewing and updating processing procedures, etc.

Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

CNCS uses its Annual Report data to monitor any weaknesses in its FOIA program, but did not conduct a formal assessment.

4. Standard Operating Procedures (SOPs): Having SOPs can improve the consistency and quality of an agency's FOIA process. In addition, describing an agency's standard practices for handling FOIA requests on agency FOIA websites can help requesters better understand how their request will be handled.

a) Does your agency have SOPs that outline general processes for handling FOIA requests and appeals?

Yes, the agency has a "FOIA procedures" document that the FOIA officer follows.

b) If not, does your agency have plans to create FOIA SOPs?

N/A.

c) If yes, how often are they reviewed/updated to account for changes in law, best practices, and technology?

The FOIA program updates processes as the law changes and monitors USDOJ's online FOIA information for new recommendations in best practices.

d) In addition to having SOPs, does your agency post or otherwise describe your standard processes for handling requests on your website?

CNCS's FOIA regulations, §§ 2507.5-2507.11, describe FOIA processing at the agency, and are posted on our public website.

5. 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 2020 (please provide a total number or an estimate of the number).

Requesters sought assistance from CNCS's FOIA Public Liaison approximately five times.

6. Does your agency frequently receive common categories of first-party requests? If so, please describe the types of requests and if your agency has explored establishing alternative means of access to these records outside of the FOIA process?

Relatively frequently, the agency receives requests from former members of the National Civilian Community Corps (NCCC), one of our AmeriCorps programs, for the medical records they submitted upon application to the program, or for their records of service. We have explored ways for the NCCC program staff to provide the records. However, those records sometimes contain sensitive information, so the agency has deemed it more prudent to continue to provide the records through the FOIA/Privacy Act process, which operate jointly at CNCS.

7. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. 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?

CNCS has not updated its FOIA regulations. We have drafted revised regulations; these are listed on the agency's Unified Agenda for publication in FY 2021.

8. Please explain how your agency worked to mitigate the impact of the COVID-19 pandemic on FOIA processing. Examples could include, but are not limited to: altering workflows, implementing new technology, providing notices and instructions or otherwise communicating directly with requesters.

Because CNCS had a robust remote work program in place, the pandemic had little impact on FOIA processing. Communication across the agency to obtain requested records was essentially uninterrupted. Even copies of paper records

were attainable, as a small number of agency staff were going to their offices under careful conditions. When extended discussions about records were needed, we relied on Microsoft Teams, which was already in place.

Even before the pandemic, nearly every FOIA request came to the agency either through its dedicated email address or the National FOIA Portal. However, the FOIA officer received permission to go twice weekly to the office to check for paper mail. One paper FOIA request has come in during the pandemic restrictions.

9. Optional – Please describe:

- Best practices used to ensure that your FOIA system operates efficiently and effectively
 - *CNCS has a single FOIA officer, which promotes efficiency.*
 - *The FOIA email inbox is monitored throughout each workday.*
 - *FOIA requests are tracked on a color-coded, detailed spreadsheet to aid in monitoring the process of request fulfillment.*
 - *FOIA record filing is highly organized and regularly maintained.*
 - *The agency has made significant efforts to make as many records electronic as possible, which simplifies records retrieval.*
 - *The agency FOIA officer works in close collaboration with agency lead staff to optimize requests and identify and collect records*
- Any challenges your agency faces in this area

N/A

Section 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.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. 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.

Examples of new information CNCS posted to support national service members, grantees, and volunteers include:

- *AmeriCorps fact sheets:*
<https://www.nationalservice.gov/newsroom/communication-resources/fact-sheets>
- *Strengthening our brand information:*
<https://www.nationalservice.gov/about/transformation-and-sustainability-plan/strengthening-our-brand> including Brand resources:
<https://www.nationalservice.gov/about-cnsc/transformation-and-sustainability-plan/strengthening-our-brand/ameri-corps-brand-resources>
- *Recruitment resource hub:*
<https://www.nationalservice.gov/resources/recruitment-resource-hub>
- *News articles about our agency and programs:*
<https://www.nationalservice.gov/newsroom>
- *Blog articles about our agency and programs:*
<https://www.nationalservice.gov/blogs>
- *COVID-19 FAQs and resources:*
<https://www.nationalservice.gov/about/coronavirus-disease-2019-covid-19>

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, the agency web team continually looks for ways to improve the usability of our websites.

3. 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.

- *In 2020, CNCS launched a project to redesign our primary website under the new domain AmeriCorps.gov and move the platform from Drupal 7 to Drupal 8. In September 2020, AmeriCorps launched a website lite (4-page brochure site) under the AmeriCorps.gov domain (<https://americorps.gov/>) and in January 2021, AmeriCorps launched a full site on the AmeriCorps.gov domain (same URL). As the agency scales up AmeriCorps.gov, they will scale down NationalService.gov. NationalService.gov (<https://www.nationalservice.gov/>) will sunset completely in June 2021.*
- *The AmeriCorps.gov site has overall improved functionality and security due to the improvements from Drupal 7 to Drupal 8. Additionally, the site was built in a more intuitive, text-light, format. Further details of improvements will appear in next year's report.*

3. Optional – Please describe:

- Best practices used to improve proactive disclosures
- Any challenges your agency faces in this area

Most pages on our public website are maintained by staff whose primary job is not related to agency digital media. This spreads the workload, but also spreads the points of contact for addressing and encouraging proactive disclosure. However, this is mitigated to a large extent by the interest all CNCS offices share in keeping the public well informed.

Section 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.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

1. Please briefly describe the types of technology your agency uses to support your FOIA program. In addition, please highlight if your agency is leveraging or exploring any new technology that you have not previously reported. If so, please describe the type of technology.

- *The agency maintains its files on SharePoint, which allows offices to easily share records responsive to FOIA requests.*
- *CNCS uses an Excel spreadsheet to track requests.*
- *FOIA written communication with requesters, including sending responsive records, is done entirely via its dedicated FOIA email address.*
- *CNCS has a presence on the National FOIA Portal at FOIA.gov, and uses the FOIA.gov software to compile the agency's Annual FOIA Report.*
- *All CNCS offices have the responsibility and capacity to post their information on the agency's public website. This allows the FOIA officer to routinely post FOIA materials, including quarterly and annual reports, monthly logs, and other materials on the site's FOIA pages.*
- *CNCS is considering the purchase of e-discovery software and saw several demonstrations in 2020.*

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?

The FOIA pages were reviewed, streamlined, and made more user-friendly as part of the agency's website comprehensive redesign in late 2020 and early 2021.

4. Did your agency successfully post all four quarterly reports for Fiscal Year 2020?

Yes, all four quarterly reports were posted on time.

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 2021.

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 2019 Annual FOIA Report and, if available, for your agency's Fiscal Year 2020 Annual FOIA Report.

FY 2019 raw data link: <https://www.nationalservice.gov/documents/2020/2019-annual-foia-report-raw-data>

The data for 2020 are pending posting.

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

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 FY 2019 and 2020 Annual FOIA Reports.

A. 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?

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 2020?

CNCS's average processing time for simple requests was 12.6 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2020 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.

Simple requests were 74% of all processed requests.

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

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 Year 2019 and Fiscal Year 2020 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 2020, according to Annual FOIA Report Section XII.A, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

Yes; CNCS had a backlog of three requests at the end of FY 2019 and one request at the end of FY 2020.

6. If not, according to Annual FOIA Report Section V.A, did your agency process more requests during Fiscal Year 2020 than it did during Fiscal Year 2019?

N/A.

7. If your agency's request backlog increased during Fiscal Year 2020, 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.
- Any other reasons – please briefly describe or provide examples when possible.

N/A.

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 2020. 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. If your agency has no request backlog, please answer with “N/A.”

The backlog was 2% of all processed requests.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2020, according to Section XII.A of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

The backlog remained the same – zero.

10. If not, according to section VI.A of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2020 than it did during Fiscal Year 2019?

N/A.

11. If your agency’s appeal backlog increased during Fiscal Year 2020, 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.
- 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 2020. 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. If your agency did not receive any appeals in Fiscal Year 2020 and/or has no appeal backlog, please answer with "N/A."

N/A.

C. Backlog Reduction Plans

13. In the 2020 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2019 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 2020?

Our backlog from FY 2019 was three requests, and we closed them all in FY 2020.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2020, please explain your agency's plan to reduce this backlog during Fiscal Year 2021.

N/A.

D. Status of 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 Year 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2020, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2019 Annual FOIA Report?

Yes, all reported pending requests from 2019 were closed in FY 2020.

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 2019 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

CNCS closed 8 of 8 pending perfected requests from FY 2019.

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

N/A.

TEN OLDEST APPEALS

18. In Fiscal Year 2020, did your agency close the ten oldest appeals that were reported pending in Section VII.C.5. of your Fiscal Year 2019 Annual FOIA Report?

CNCS had no pending appeals at the end of FY 2019.

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 VII.C.(5) of your Fiscal Year 2019 Annual FOIA Report. If you had fewer 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 2020, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2019 Annual FOIA Report?

CNCS had no consultations from other agencies in FY 2019.

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 2019 Annual FOIA Report. If you had fewer 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 2019.

CNCS had eight pending requests at the end of FY 2019 and did not encounter obstacles in closing them. The agency had no pending appeals or consultations at the end of FY 2019.

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 2021.

N/A.

F. Success Stories

Out of all the activities undertaken by your agency since March 2020 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, OIP will highlight these agency success stories during Sunshine Week. 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.

CNCS undertook a major revision of its public website during the reporting period, enhancing the agency’s proactive disclosures. The revision was driven by the agency’s re-branding as AmeriCorps (although the agency retains its legal name, Corporation for National and Community Service), which in turn arose from a desire to make the agency’s mission of service – and the opportunities it provides for service – better known by the public. The effort to revise the agency’s digital face engaged every office at the agency. It removed outdated material, streamlined presentation of information about the agency, and made it easier for the public to learn what CNCS does, how the agency operates, and how the public can benefit from our mission.