



2017 Chief FOIA Officer Report

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About the U.S. Office of Government Ethics

The U.S. Office of Government Ethics, established by the Ethics in Government Act of 1978, provides overall leadership and oversight of the executive branch ethics program designed to prevent and resolve conflicts of interest. OGE's mission is part of the very foundation of public service. The first principle in the Fourteen Principles of Ethical Conduct is, "[p]ublic service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain." Public servants are expected to make impartial decisions based on the interests of the public when performing their job duties. OGE, in concert with agency ethics practitioners throughout the executive branch, ensures that employees fulfill this great trust.

To carry out its leadership and oversight responsibilities, OGE promulgates and maintains enforceable standards of ethical conduct for approximately 2.7 million civilian employees in over 130 executive branch agencies and the White House; oversees a financial disclosure system that reaches more than 26,000 public and more than 380,000 confidential financial disclosure report filers; ensures that executive branch ethics programs are in compliance with applicable ethics laws and regulations; provides education and training to the more than 4,500 ethics officials executive branch-wide; conducts outreach to the general public, the private sector, and civil society; and provides technical assistance to state, local, and foreign governments and international organizations.

As part of OGE's outreach and guidance to the ethics community and the general public, each year OGE posts legal advisories, informational memoranda, ethics training resources, and educational material on its OGE website. OGE continues to leverage technology to improve transparency in the executive branch ethics program and to provide more records to the public in an easily accessible fashion. In 2016, OGE had a sharp increase in volume and complexity of requests. Despite this increase, however, the requests were generally responded to within the statutory 20-day time limit.

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's [FOIA Memorandum](#) and the Attorney General'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.

FOIA Training:

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

Yes, OGE's FOIA professionals attended FOIA training during the reporting period.

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

OGE's FOIA professionals attended various courses and seminars offered by DOJ's Office of Information Policy (OIP) and viewed a presentation by OIP attorneys for OGE's "Advanced Practitioner Series" webinar on the release of ethics documents under the FOIA, the Privacy Act, and the Ethics in Government Act.

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

100% (seven out of seven) of OGE's FOIA professionals attended substantive FOIA training during this reporting period.

4. 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.

100% of OGE's FOIA professionals attended substantive FOIA training.

Other Initiatives:

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

Through email and staff meeting reminders, OGE’s FOIA professionals regularly inform non-FOIA professionals of their obligations under the FOIA, particularly that any documents created or maintained as part of the non-FOIA professional’s job may be responsive to a FOIA request.

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

OGE’s FOIA professionals often “front load” exemption (b)(5) determinations by considering whether there is foreseeable harm before considering the applicability of exemption (b)(5). If the FOIA professional determines that there is no foreseeable harm to releasing information, the information may be released without ever resolving the question of whether exemption (b)(5) could have been applied. OGE finds that this “front loading” procedure is often more efficient than resolving the applicability of exemption (b)(5) and then considering whether there is foreseeable harm.

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

The DOJ’s 2009 FOIA Guidelines emphasized 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.

Processing Procedures

1. For Fiscal Year 2016, 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 2016 Annual FOIA Report.

OGE did not adjudicate any requests for expedited processing during Fiscal Year 2016

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.

N/A

3. Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

OGE did not identify any commercial use requesters in Fiscal Year 2016.

Requester Services

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 how often requesters sought assistance from your agency's FOIA Public Liaison.

OGE estimates that requesters seek assistance from its FOIA Public Liaison two to three times per month.

5. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.

OGE's FOIA reference guide is available at:

[https://www.oge.gov/Web/OGE.nsf/Freedom%20of%20Information%20Act%20\(FOIA\)/431FE97135A2CF85257EF5006DAABF?opendocument](https://www.oge.gov/Web/OGE.nsf/Freedom%20of%20Information%20Act%20(FOIA)/431FE97135A2CF85257EF5006DAABF?opendocument)

Other Initiatives

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

OGE continues to conduct regular self-assessments of its FOIA processing procedures and response templates and, when appropriate, makes changes to increase efficiency, improve search processes, increase transparency, and otherwise improve the operation of OGE's FOIA program.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President's and DOJ's FOIA memoranda 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.

Posting Material

1. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

OGE has included a distinct step in its FOIA processing procedures that directs FOIA professionals to determine whether a record has been subject to previous FOIA requests, and, if so, to flag that record for proactive disclosure in OGE's FOIA log.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

Yes. OGE's FOIA Office is uniquely situated to gain a sense of the types of materials the public is seeking. As a result, OGE has included a distinct step in its FOIA processing procedures that directs FOIA professionals to determine whether it is likely there will be future interest in a record. If so, OGE's FOIA processing procedures direct FOIA professionals to proactively disclose the record on OGE's website.

3. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

No, OGE has not encountered challenges that make it difficult to post records.

4. If so, briefly explain those challenges and how your agency is working to overcome them.

N/A

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

The following materials were proactively disclosed on OGE's website during the past reporting year:

OGE Advisories: OGE posted all [written guidance](#) to executive branch ethics officials and employees, including legal, education, and program advisories.

Ethics Program Review Reports: OGE conducts reviews of agency ethics programs and issues recommendations to improve the ethics program if deficiencies are found. To confirm that the agency has acted on OGE's recommendations, OGE also conducts a follow-up review six months from the date of the report. OGE posted all [program review reports](#) and follow-up reports on its website.

Former President Obama’s Ethics Pledge Report and Related Waivers: OGE published [annual reports](#) on the administration of the Ethics Pledge. In addition to posting annual reports, OGE posted [waivers](#) of the Ethics Pledge received by political appointees.

Public Financial Disclosures & Ethics Agreements: OGE has an automated online process for providing public access to [public financial disclosure reports](#) (OGE Forms 278, 278e, and 278-T) for Presidential appointees confirmed by the Senate (PAS). OGE also posted the ethics agreements of PAS employees, which describe the steps an appointee will take to avoid any actual or apparent conflicts of interest.

Travel Reports: Agencies are required to submit to OGE semiannual reports of payments for travel, subsistence, and related expenses received from non-federal sources in connection with the attendance of employees at certain meetings or similar functions. OGE posted these [travel reports](#) on its website.

Annual Agency Questionnaire Responses: This [Questionnaire](#) asks agency ethics offices for information about ethics officials and the administration of agency ethics programs, as well as core elements of the ethics program that assist in the identification and resolution of potential conflicts of interest.

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

In the past few years, OGE has implemented a new strategy for communicating with the public through Director’s Notes posted on the homepage of OGE’s website, www.oge.gov. The Director’s Notes provide a public-friendly explanation of OGE’s role in the executive branch ethics program, ethics rules and regulations, OGE’s programs and initiatives, and current ethics issues. In addition, OGE created a space on its homepage, called OGE Highlights, to provide current news and information about OGE and the executive branch ethics program in an easy to understand manner.

OGE also uses social media to broaden its reach to key external stakeholders and make the information posted more useful to these stakeholders. Specifically, OGE uses its Twitter account to direct the public to detailed information on its website and to provide an additional way to access OGE’s latest publications. OGE also uses its Twitter account to provide information regarding changes in executive branch ethics laws, regulations, and programs. In addition, OGE has expanded its use of social media by creating Google+ and YouTube pages. OGE uses these accounts to live stream ethics education offerings to ethics officials and to live-stream events such as OGE’s National Government Ethics Summit.

Other Initiatives

7. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

OGE's FOIA processing procedures direct FOIA professionals to identify records of interest to the public on an ongoing basis and to systematically post such records, whether or not they are responsive to a specific FOIA request.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." 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.

Making Material Posted Online More Useful

1. 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, OGE is taking steps to make the posted information more useable to the public.

2. If yes, please provide examples of such improvements.

As discussed above, OGE continues to use highlighted features on its website homepage and its Twitter account to provide public-friendly explanations of OGE's mission and direct individuals to newly posted information.

Other Initiatives

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2016?

OGE posted all Fiscal Year 2016 reports on its website and will work with OIP to ensure that all data successfully appears on FOIA.gov for FY17.

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 2017.

N/A

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

The President's FOIA Memorandum and the DOJ's 2009 FOIA Guidelines have 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 2016 Annual FOIA Report and, when applicable, your agency's 2015 Annual FOIA Report.

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?

No. Because of the size of its FOIA program, OGE processes both simple and complex requests in a single track.

2. If so, for your agency overall in Fiscal Year 2016, was the average number of days to process simple requests twenty working days or fewer?

N/A

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.

N/A

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?

Yes, the average number of days to process all non-expedited requests was 12.6 days.

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 2015 and Fiscal Year 2016 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 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

At the close of Fiscal Year 2016, OGE had no backlogged requests.

6. If not, 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

7. 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 2016.

N/A

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog.

At the close of Fiscal Year 2016, OGE had no backlogged appeals.

9. If not, 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

10. 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 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

N/A

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 Year 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

11. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

Yes, in Fiscal Year 2016, OGE closed its backlog of one request that was reported as pending in OGE's Fiscal Year 2015 Annual FOIA Report.

12. 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 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

N/A

13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

None were closed because the request was withdrawn by the requester.

TEN OLDEST APPEALS

14. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

OGE did not have any pending appeals at the end of Fiscal Year 2015.

15. 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 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A

TEN OLDEST CONSULTATIONS

16. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

OGE did not have any pending consultations at the end of Fiscal Year 2015.

17. 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 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A

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

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.

N/A

19. 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

20. 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 2017.

N/A