

March 2020 to March 2021 Chief FOIA Officer Report
for the United States International Development Finance Corporation

DFC Chief FOIA Officer: Dev Jagadesan, Deputy General Counsel for Administration

Section 1: Steps Taken 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?

No. As a small agency, DFC had only two Presidentially Appointed and Senate confirmed (PAS) positions, that of Chief Executive Officer and Deputy Chief Executive Officer. Neither of these individuals had FOIA experience and DFC therefore assigned the role to a Senior Level (SL) executive employee who was a Senior Executive Service (SES) equivalent and had FOIA expertise. (Note that DFC is exempt from the SES).

2. Please provide the name and title of your agency's Chief FOIA Officer. Dev Jagadesan, Deputy General Counsel for Administration.

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. The DFC FOIA Office offers FOIA training to new agency personnel and refresher training to employees by request. The FOIA Office is also made available to any employee to answer questions during day-to-day agency operations.

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, FOIA Staff attended several virtual Department of Justice, Office of Information Policy (DOJ OIP) FOIA training sessions.

5. If yes, please provide a brief description of the type of training attended or conducted and the topics covered. DFC Staff attended the following DOJ OIP training sessions: Procedural Requirements; Fees and Fee Waivers; Litigation Considerations; Exemption 4; Exemption 5; Exemption 6 and 7C; Advanced Litigation Considerations; and AI and FOIA training.

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%

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.

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. FOIA Staff communicated directly with requesters as a regular part of processing and took into account any comments or queries submitted regarding general FOIA administration.

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. FOIA Staff met with managers and other staff to discuss the FOIA program generally, as well as to provide guidance on specific disclosures.

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.

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

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. 8.6

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.

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. DFC reviewed and updated its procedures and records management during the process of integrating additional staffing to the workflow.

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.

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

c) If yes, how often are they reviewed/updated to account for changes in law, best practices, and technology? As needed or as required by law or changes in best practices or technology.

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

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). 0

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? No.

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? Yes.

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. To the extent possible, DFC FOIA Staff continues to leverage existing agency technology capabilities to facilitate FOIA workflow. DFC FOIA staff also communicates directly with requesters to provide notice of issues facing the agency due to the ongoing COVID-19 pandemic.

9. Optional -- Please describe:

- **Best practices used to ensure that your FOIA system operates efficiently and effectively**
- **Any challenges your agency faces in this area**

Section III: Steps Taken to Increase Proactive Disclosures

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. DFC posted copies of its Congressional Budget Justification, Operating Plan, annual report (which include audited financial statements), brief summaries of all board approved projects; summaries of any environmentally or socially sensitive projects prior to approval; and provided many other types of information on its website.

-DFC Active Projects: <https://www.dfc.gov/our-impact/all-active-projects>

-DFC Reports: <https://www.dfc.gov/media/reports>

-DFC Environmental and Social Impact Assessments: <https://www.dfc.gov/what-we-offer-eligibility-our-investment-policies/environmental-and-social-impact-assessments>

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. 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. The

agency's website is reviewed for potential enhancements to readability, usability, and other improvements in order to make posted information more useful to the public and to those regularly accessing DFC's website.

4. Optional -- Please describe:

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

Section IV: Steps Taken to Greater Utilize Technology

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. DFC utilized electronic searches whenever a request was conducive to the use of search strings. The Office of the Chief Information Officer provided support to the FOIA Office in running server-side or complex searches. When a request was not conducive to an electronic search, but could be readily modified for electronic search, the FOIA Office suggested modification of the request to the requester.

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 2020? Not applicable.

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 2021. DFC was established under the authority of the Better Utilization of Investments Leading to Development (BUILD) Act of 2018, 22 U.S.C. §§ 9601 et seq. as of January 1, 2020, and therefore was not required to post quarterly reports for FY2020. As previously instructed by DOJ OIP, DFC will post required quarterly reports beginning with the Q1 FY2021 report.

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 2019 Annual FOIA Report and, if available, for your agency's Fiscal Year 2020 Annual FOIA Report. For the reasons discussed above, DFC did not file a FY 2019 Annual FOIA Report. FY 2020 annual report data is available at: <https://www.dfc.gov/foia> under the "FOIA Annual Reports and Chief Officer Reports" tab.

6. 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

A. Simple Track

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? Yes, it was 11.6 business 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. 70.8%

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?

B. Backlogs

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? DFC did not file a FY 2019 Annual FOIA Report. DFC was established under the authority of the Better Utilization of Investments Leading to Development (BUILD) Act of 2018, 22 U.S.C. §§ 9601 et seq. as of January 1, 2020, and although DFC assumed responsibility for all previously pending OPIC FOIA requests, 2020 marked the first year of DFC operations.

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?

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:

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." 51%

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? DFC did not file a FY2019 Annual FOIA Report. Effective January 1, 2020, the Overseas Private Investment Corporation (OPIC) transferred all of its rights and obligations to the United States International Development Finance Corporation (DFC) under the authority of the Better Utilization of Investments Leading to Development (BUILD) Act of 2018, 22 U.S.C. §§ 9601 et seq. Though DFC assumed responsibility for all previously pending OPIC FOIA requests, 2020 marked the first year of DFC operations.

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?

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.

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?

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.

D. Status of Oldest Requests, Appeals, and Consultations

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? DFC did not file a FY2019 Annual FOIA Report. Effective January 1, 2020, the Overseas Private Investment Corporation (OPIC) transferred all of its rights and obligations to the United States International Development Finance Corporation (DFC) under the authority of the Better Utilization of Investments Leading to Development (BUILD) Act of 2018, 22 U.S.C. §§ 9601 et seq. Though DFC assumed responsibility for all previously pending OPIC FOIA requests, 2020 marked the first year of DFC operations. Of the ten oldest pending perfected requests reported by OPIC in its FY2019 Annual FOIA Report, seven of those requests were closed in FY2020.

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.

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 order to reduce the age of older pending requests, DFC hired an additional full time FOIA staff member and directed some existing staff to assist on a part time basis. Most of these new resources were focused on processing the oldest pending requests.

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? DFC did not file a FY2019 Annual FOIA Report. Effective January 1, 2020, the Overseas Private Investment Corporation (OPIC) transferred all of its rights and obligations to the United States International Development Finance Corporation (DFC) under the authority of the Better Utilization of Investments Leading to Development (BUILD) Act of 2018, 22 U.S.C. §§ 9601 et seq. Though DFC assumed responsibility for all previously pending OPIC FOIA requests, 2020 marked the first year of DFC operations. OPIC did not have any pending appeals in its FY2019 Annual FOIA Report.

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.

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

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? DFC did not file a FY2019 Annual FOIA Report. Effective January 1, 2020, the Overseas Private Investment Corporation (OPIC) transferred all of its rights and obligations to the United States International Development Finance Corporation (DFC) under the authority of the Better Utilization of Investments Leading to Development (BUILD) Act of 2018, 22 U.S.C. §§ 9601 et seq. Though DFC assumed responsibility for all previously pending OPIC FOIA requests, 2020 marked the first year of DFC operations. OPIC did not have any pending consultations in its FY2019 Annual FOIA Report.

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.

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. The primary change was an unprecedented agency FOIA volume. DFC based its FOIA Office staffing off of the volume received by its predecessor, OPIC. In its first nine months of operations, the agency saw nearly twice the volume of requests received by OPIC in a typical year. These resource constraints were further amplified by an extended vacancy in the FOIA Office due to staff turnover; additional administrative projects worked by members of the FOIA Office related to the formation of a new agency under the BUILD Act; and the ongoing COVID-19 pandemic were all significant obstacles to closing the agency's oldest pending requests.

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.

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. DFC intends to train additional staff to assist processing FOIA requests on a part-time basis. The agency is also exploring the possibility of potential software solutions to increase FOIA processing efficiency.

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.

DFC filled a full-time vacancy within the FOIA Office which led to increased FOIA productivity. DFC FOIA Office staff also made a committed effort to engage with FOIA requesters to explain the unusual circumstances faced by the agency currently impacting the response times to FOIA requests. These open communication efforts on several occasions successfully led to the requester modifying their original request so as to permit placement in the Simple Queue and more timely processing.