

**March 14, 2016 to March 13, 2017 Chief FOIA Officer Report  
for the Overseas Private Investment Corporation**

OPIC Chief FOIA Officer: Kimberly Heimert, Vice President and General Counsel

The Overseas Private Investment Corporation (OPIC) is a small agency, and day to day FOIA processing has generally been performed by one staff member with occasional support from others. Over the past few years, OPIC has experienced an increase in the number and complexity of requests. In order to continue to maintain its strong FOIA program, OPIC authorized the addition of one full time contractor in 2016. In Fiscal Year 2015, OPIC processed thirty-six requests and one appeal. In Fiscal Year 2016, OPIC processed fifty-two requests, a nearly 70% increase, and four appeals, a 400% increase. This increase is significantly more than the slow but steady increase seen in previous years.

With the promulgation of the FOIA Improvement Act of 2016, OPIC has taken the opportunity to formally incorporate into its regulations many of the best practices the agency already follows. OPIC has also followed the Department of Justice, Office of Information Policy (OIP) guidance and largely incorporated OIP's suggested regulation language into OPIC's updated regulations. This standardization should assist requesters. The updated regulations will also create a separate complex track to handle the increase of complex requests received by the agency. OPIC's updated regulations are expected to go into effect in early February 2017.

Among other best practices already followed by OPIC, our agency has long waived Exemption (b)(5) when there is no foreseeable harm by only considering Exemption (b)(5) when harm is present. By placing the harm consideration before the consideration of the exemption, OPIC increases releases while also reducing processing time. In addition, OPIC continues to promote open communication with requesters and third party submitters to ensure that all parties understand the access rights and protections afforded by the FOIA. Recognizing that most members of the public do not understand how OPIC stores its records, the FOIA Office takes the initiative to speak with requesters when large requests can be narrowed and processed more efficiently and to work with requesters who need assistance in composing their requests.

OPIC's commitment to transparency can be seen in the agency's releases. In FY2016, only one request was denied in full based on exemptions alone, and that full withholding was overturned in an internal appeal. OPIC's commitment to agency cooperation is evident in our agency's processing time on consultations—five out of six consultation requests in FY2016 were responded to within seven business days or less. OPIC considers this inter-agency cooperation important to the administration of the FOIA across the federal government. Unfortunately, OPIC's two oldest requests at the close of FY2016 were both outstanding due to long-pending requests for consultation, one of which had been pending for over a year by the date of this report without receipt of an estimated completion date by the consulted agency.

OPIC's FOIA Officer, appeal authority, lead Administrative Law counsel, and Chief FOIA Officer all attended at least one FOIA training in FY2016.