**CHIEF FOIA OFFICER’S REPORT**

**NATIONAL COUNCIL ON DISABILITY (NCD)**

**February 1, 2018**

This report has been prepared by Joan Durocher, NCD’s General Counsel and Chief FOIA Officer, in compliance with the “Guidelines for 2018 Chief FOIA Officer Reports” published by the Department of Justice Office of Information Policy. Questions concerning this report can be addressed to my attention by phone at 202-272-2004 or by email at jdurocher@NCD.gov.

NCD’s 2018 Chief FOIA Officer Report addresses the agency’s activities that have occurred from March 2017 through February 1, 2018.

1. **Introduction**

The National Council on Disability (NCD) recognizes that the Freedom of Information Act (FOIA) is a fundamental element of Open Government. By applying a presumption of openness and maintaining effective FOIA operations, NCD seeks to expand the availability of information about the agency’s programs and operations to the public. The following report describes the steps taken by NCD to implement FOIA during this reporting period.

Although we are a small agency and have only received one FOIA request in the last 12 months (and none during the immediate past fiscal year), we remain keenly aware of current FOIA regulations and guidance and strive to proactively take steps to perfect the presumption of openness, ensure that our system to respond to FOIA requests is efficient, and evaluate NCD documents for proactive disclosure. NCD is happy to report that NCD's FOIA Public Liaison attended the “Dispute Resolution Skills for FOIA Professionals” on November 16, 2017.

**II. Presumption of Openness**

NCD strives to release as much information as possible to a requester through a FOIA request. This includes, but is not limited to, redacting material from a document to provide as much of a requested document as possible – rather than not providing the document at all. More importantly, NCD proactively posts information about NCD’s work and correspondence on NCD’s website. By doing so NCD hopes that information that may have required a FOIA request in the past can now readily be accessed by any interested party via our website. For example, the following documents are posted on our website: NCD’s bylaws and statutory authorization; NCD’s Government Performance and Results Act Reports; Congressional Budget Justification Reports; congressional correspondence regarding our disability policy work; Financial Audit Reports; NCD’s strategic plan; correspondence to stakeholders including correspondence to other federal agencies; all NCD policy publications; the minutes from NCD board meetings; as well as NCD’s FOIA policy and procedures for requesters, along with numerous other documents.

**III. Effective System for Responding to Requests**

NCD has specific internal procedures that we follow when a FOIA request is received to ensure that it is addressed and responded to in a timely manner. A requester may submit a request via email or USPS and instructions for filing a FOIA request are available using plain language on our website.

To ensure that all FOIA requests are addressed expeditiously, NCD’s FOIA Public Liaison monitors all incoming FOIA requests and promptly sends an acknowledgment letter to the requester upon receipt. The acknowledgment letter specifically states the data being requested, anticipated time required for retrieval, and contact information for the FOIA Public Liaison if the requester has any questions or concerns.

**IV. Steps Taken to Increase Proactive Disclosures**

NCD’s FOIA Public Liaison monitors all incoming FOIA requests and if a pattern develops regarding specific subject matter, or NCD were to receive 3 similar requests, the FOIA Public Liaison would proactively post those materials in NCD’s FOIA library, with the exception of information that is prohibited by other federal regulations - such as PII.

**V. Steps Taken to Greater Utilize Technology**

Our agency publicizes and/or highlights important proactive disclosures for public awareness by using a variety of communication tools. For example, we provide NCD documents and correspondence with stakeholders via Twitter and Facebook.

NCD’s primary means of communication with requesters is via email. Additionally, NCD also provides all FOIA notifications and correspondence via USPS.

**VI. Timeliness in Responding to Requests and Reducing Backlogs**

During fiscal year 2017, NCD did not receive any FOIA requests. Because of the nature of NCD’s mission and size of our agency, NCD does not foresee receiving a voluminous amount of FOIA requests in 2018. NCD believes its current policy and procedures are adequate for managing the amount of FOIA requests NCD anticipates in the future.