**CHIEF FOIA OFFICER’S REPORT**

**NATIONAL COUNCIL ON DISABILITY (NCD)**

**February 1, 2017**

This report has been prepared by Joan Durocher, NCD’s General Counsel and Chief FOIA Officer, in compliance with the “Guidelines for 2017 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 2017 Chief FOIA Officer Report addresses the agency’s activities that have occurred from March 2016 through February 1, 2017.

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.

Normally, the amount of FOIA requests NCD receives are nominal. Despite that, NCD has strived throughout this year to improve our FOIA policies and practices. Specifically, NCD has taken steps to perfect the presumption of openness, ensure that our system to respond to FOIA requests is efficient, evaluated NCD documents for proactive disclosure, and increased the use of technology. NCD is happy to report that all FOIA professionals and staff attended substantive FOIA training during this reporting period. NCD’s FOIA Public Liaison and Chief FOIA Officer attended DOJ’s OIP training titled “FOIA for Attorneys and Access Professionals” on January 24 and 25, 2017. Our FOIA Public Liaison attended the Requester’s Roundtable on June 16, 2016.

**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 so as to provide as many requested documents as possible. More importantly, NCD has worked diligently to post as much 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 anyone 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; many congressional communications 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 receives a nominal amount of FOIA requests yearly. In fact, NCD received only one simple perfected request during Fiscal Year 2016. 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.

For the one simple perfected request that NCD received during 2016, NCD processed the request within 10 days. NCD received no request for expedited processing and had no need to inquire whether a requester was still interested in the processing of his or her request. Had there been, NCD would have ensured that the requester had 30 working days to respond to our inquiry.

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. NCD has not needed to resolve any FOIA release disputes this fiscal year.

**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 these materials in NCD’s FOIA library.

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

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

In addition to reviewing NCD documents for proactive release, NCD redesigned its website so it is more intuitive and user-friendly. It is NCD’s hope with this new design that the host of documents posted will be easier to access by the public.

NCD’s primary means of communication with requesters is via email. NCD will correspond via email but also follow up on notifications with USPS correspondence. NCD amended its FOIA regulations in December 2016 to be compliant with the additional requirements in the FOIA Improvement Act of 2016. While amending NCD’s regulations, NCD also inserted language that now allows a requester to appeal an NCD decision via email.

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

During fiscal year 2016, NCD received one FOIA request. NCD responded to the request immediately and it was processed within 10 days. Because of the nature of NCD’s mission and size of our agency, NCD does not foresee receiving a voluminous amount of FOIA requests. NCD believes its current policy and procedures are adequate for managing the amount of FOIA requests NCD anticipates in the future.