



CHIEF FOIA OFFICER REPORT

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A. Overview

The Legal Services Corporation (hereinafter “LSC” or “Corporation”) was established as a private, non-membership, non-profit corporation by the Legal Services Corporation Act, Pub. L. 93-355 (1974), as amended, 42 U.S.C. §2996 *et seq.* Section 2996(g) of Title 42 provides that the Corporation is subject to the requirements of the Freedom of Information Act (“FOIA”), 5 U.S.C. §552.

The Corporation’s FOIA function is discharged by its Office of Legal Affairs (hereinafter “OLA”), and, more specifically, is performed primarily by a single employee, the FOIA Officer.^{1/} The FOIA Officer also has assigned responsibilities unrelated to FOIA administration.

I. Steps Taken to Apply the Presumption of Openness

1. There has been no increase in the number of records released in full or in part as a result of discretionary or affirmative disclosures when compared with numbers in previous years Annual FOIA Reports. A recent change in senior management has led to concrete steps being taken to implement the presumption. In January 2011, for example, a policy was implemented requiring the posting on our website of documents that had not previously been proactively made so available and were being produced only upon specific request.
 - a) Corporation managers, responsible for records oversight and the production of records in response to FOIA requests, have been made aware of the President’s FOIA Memorandum and the Attorney General’s FOIA Guidelines. In addition to sharing with managers when the memorandum and guidelines were initially published, the intent of both have been discussed in meetings addressing how LSC can be more transparent and proactive in its disclosure of records.

¹ Although the General Counsel serves formally as the Chief FOIA Officer, the day-to-day FOIA functions are performed by another LSC OLA Staff member holding the position of FOIA Officer.

b) Workload has prevented the FOIA Officer from attending FOIA trainings or conducting trainings on the new FOIA Guidelines.

c) The Legal Services Corporation Board of Directors concluded in December 2010 a one-year presidential search. During the interim period management began discussions regarding the proactive disclosure of records and the presumption of openness. The new President assumed leadership of LSC on January 31, 2011. He has yet to have an opportunity to set internal policy or issue FOIA-related guidance.

d) The Corporation has not made discretionary releases of otherwise exempt information.

e) N/A

f) The Corporation's records review process is intended to result in the disclosure of as much information as possible. Specifically, a discretionary release of information is possible if the release does not:

i. disclose privileged or confidential information;

ii. disclose privileged interagency or intra-agency memoranda or letters;

iii. jeopardize the Corporation's decision-making processes;

iv. invade a person's privacy; or

v. interfere with or jeopardize a law enforcement proceeding.

As mentioned previously, reports resulting from onsite reviews of LSC grantees are being prepared for proactive disclosure. It is anticipated that information withheld from these reports, if any, would be personal in nature

and protected by Exemption 6. The Corporation does not currently use its discretion to release personal information.

g) No other initiatives were undertaken during the reporting period.

2. Charts comparing the number of full grants and partial grants for fiscal years 2009 and 2010 follow.

TWO-YEAR COMPARISON OF NUMBER OF FULL GRANTS

FY 2009	FY2010 ^{2/}
58	1

TWO-YEAR COMPARISON OF NUMBER OF PARTIAL GRANTS

FY 2009	FY 2010
15	6

II. Steps Taken to Ensure that Your Agency has an Effective System In Place for Responding to Requests

a) The FOIA Officer would benefit from additional IT support.

² It is noted that the FOIA Officer was able during FY 2009 to devote more time to FOIA administration. She was not similarly situated during FY 2010, nor were other resources consistently available for FOIA administration.

b) The Corporation does not have an Open Government Team.

c) Corporate management recognizes and continues to address the need to allocate additional staff to assist with all aspects of FOIA administration, including responding to FOIA requests.

d) Corporation management is exploring ways to ensure the FOIA system operates efficiently and effectively by continuing attempts to allocate additional staff resources to FOIA administration. At such time as it becomes financially possible, specialized FOIA software will be purchased.

III. Steps Taken To Increase Proactive Disclosures

a) The Corporation continues to make records available to the public through its website.

b) The types of materials posted to LSC's website are those that have routinely been posted.

c) The Corporation has undertaken the process of considering categories of records to be disclosed proactively and will continue to do so. Reports resulting from onsite reviews of LSC grantees represent the first category of records LSC worked during the reporting period to begin disclosing proactively. Records in this category have historically been released only in response to a FOIA request.

d) Corporate counsel previously identified categories of records appropriate for posting to the website. We will annually review these categories with managers and update them as necessary.

e) In addition to its website, the Corporation uses Twitter to disseminate information.

f) N/A

IV. Steps Taken To Greater Utilize Technology

The Corporation's FOIA function continues to be under resourced and would benefit from, among other things, 1) the purchase of FOIA software specifically designed to enhance the efficiency of FOIA administration, 2) administrative support; 3) and an increase in IT staff resources to create such software or to improve the software used currently for FOIA administration.

1. Electronic receipt of FOIA requests:

a) The entire Corporation has the capacity to receive FOIA requests by electronic mail and facsimile machine.

b) There are only two components at LSC. They are Management & Grants Oversight ("M&GO") and the Office of Inspector General ("OIG"). There are no plans to increase the number of FOIA-responsible components at LSC.

c) The Corporation receives electronic FOIA requests by electronic mail and facsimile machine.

2. Electronic tracking of FOIA requests:

a) The M&GO tracks FOIA requests electronically for both components of the organization.

b) There are no plans to increase the number of components tracking FOIA requests electronically.

c) The Corporation tracks FOIA requests electronically using a commercial spreadsheet program.

3. Electronic processing of FOIA requests:

a) The Corporation does not possess specialized software capable of processing requests electronically. The use of document imaging software for this purpose has proven to be inefficient for technical reasons related to LSC's information system.

b) The Corporation lacks the funds required to purchase the specialized software necessary to process FOIA requests electronically.

c) As indicated above, the Corporation lacks the funds required to purchase the specialized software necessary to process FOIA requests electronically.

4. Electronic preparation of your Annual FOIA Report:

a) The Corporation uses a generic data processing system to prepare its annual FOIA report. The system was not developed by an IT professional, but rather was developed by the FOIA Officer who lacks the requisite IT training and experience.

b) While the FOIA Officer has expanded the capacity of the system tremendously in response to the ever-increasing data collection requirements imposed on agencies and her work has made the report preparation more efficient than previously, the system is not optimal. Due to a lack of funds, we do not anticipate purchasing specialized FOIA software in the coming year. Efforts will be made to have IT staff give more functionality to the system developed by the FOIA Officer.

V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

1. The Corporation has no backlogged administrative appeals.

The Corporation had an increase of backlogged requests when compared to Fiscal Year 2009. There were 19 more requests backlogged at the end of Fiscal Year 2010.

The Corporation closed 3 of the seven oldest requests backlogged at the conclusion of Fiscal Year 2009.

2.

a) The backlog of requests was not caused by an increase in the number of requests received, although the time required to process the more complex requests was not available to the FOIA Officer during Fiscal Year 2010.

b) The backlog of requests was not caused by a loss of staff during this particular reporting period.

c) The backlog of requests was not caused by an increase in the complexity of requests received during the reporting period.

d) The backlog of requests was caused by the inability of the FOIA Officer to devote more time to FOIA administration due to her other responsibilities. The allocation of additional resources to the FOIA function was not possible.

3.

a) The Corporation has set goals for FOIA administration that proved to be unrealistic given the inability to further resource the FOIA function.

b) As stated previously, the Corporation has been unable to increase staffing of the FOIA function, but continues to explore ways to do so.

c) As stated previously, LSC lacks the funds necessary to purchase specialized FOIA software and internal IT personnel have not been available to assist the FOIA Officer due to other priorities. It is our expectation that internal IT assistance will soon be made available.

d) The Chief FOIA is involved, aware of the demands on the FOIA Officer's time and continues to explore ways to further resource the FOIA function within existing constraints imposed by limited funds and staffing.