



LEGAL SERVICES CORPORATION
2013
CHIEF FOIA OFFICER REPORT

(Covering the period from March 12, 2012, up until the date of the Report)

2013 CHIEF FOIA OFFICER REPORT

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A. Overview

The Legal Services Corporation (“LSC” or “Corporation”) was established as a private, non-membership, non-profit corporation by the Legal Services Corporation Act, Pub. L. 93-355 (1974), 42 U.S.C. §§ 2996 *et seq.*, but section 2996(g) provides that the Corporation is subject to the requirements of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. Except for documents exclusively in the possession and control of LSC’s Office of Inspector General (“OIG”), the Corporation’s FOIA functions are discharged by its Office of Legal Affairs (“OLA”). 45 C.F.R. §§ 1602.2(f), 1602.8(b) & 1602.10.

B. FOIA Staffing

LSC is a very small organization of approximately 135 employees. An administrative staff person in OLA devotes a portion of her time to serving as Acting FOIA Officer, and an attorney in the OIG devotes a portion of his time to serving as FOIA Officer for the OIG. (The FOIA Officer position in OLA will be filled on a regular -- versus “acting” -- basis shortly.) The General Counsel of the Corporation also serves as LSC’s Chief FOIA Officer. In addition, one OLA attorney is available to serve as a law clerk to the President of LSC whenever there is an appeal of any denial (including partial denial) of a FOIA request. That attorney is shielded from any involvement in the processing of individual FOIA requests in order to remain independent in handling appeals. Likewise, an attorney in the OIG is shielded from involvement in the processing of FOIA requests, in order to remain independent and available to provide legal advice to the Inspector General in the event of a FOIA appeal.

C. Time Period Covered by the Report

Unless otherwise noted, this 2013 Chief FOIA Officer Report (“Report”) addresses activities that have occurred since March 12, 2012, up until the date of the Report.

D. Steps Taken to Apply the Presumption of Openness

The Corporation has increased the number of documents that are proactively disclosed by routinely posting them on its website, at <http://www.lsc.gov/about/foia/electronic-public-reading-room>. These include, for example, notices of meetings of the LSC Board of Directors and its committees; rulemaking notices; policy statements and interpretations; annual reports; strategic plans; administrative manuals; matters for public comment; program quality visit reports issued by LSC’s Office of Program Performance; as well as case service reports, management system review reports, and program integrity reports issued by LSC’s Office of Compliance and Enforcement. LSC did not make any discretionary releases of otherwise exempt information during this reporting period. Because there were no discretionary disclosures, there is nothing to report insofar as what exemptions would have covered information that was released as a matter of discretion. and no examples of information released as a matter of discretion.

On February 13, 2013, LSC’s President issued a comprehensive, six-page memorandum to all LSC staff about FOIA compliance. (A similar one had been issued on March 15, 2012,

at the very outset of the reporting period.) This memorandum provided background on FOIA and covered LSC's disclosure obligations, including: (a) the importance of complying with FOIA obligations, (b) a detailed description of how FOIA requests are processed by LSC (including assessment upon receipt, conducting searches for responsive documents, document review by FOIA personnel, determination of whether a given document or portion thereof may be withheld, and appeals from denials in whole or in part), (c) guidance on how LSC staff members can help facilitate the processing of FOIA requests, (d) information regarding the operations of LSC's FOIA Reading Room, and (e) FOIA proactive disclosure requirements and practices. LSC did not hold an organization-wide FOIA conference during the period covered by this Report.

The Corporation plans to conduct FOIA training for all staff, and an additional training session specifically for managers, during 2013. In addition, the Acting FOIA Officer attended a three-day training course, from July 18-20, 2012, entitled "Freedom of Information and Privacy Acts" that was offered by the USDA Graduate School. FOIA administration and compliance is discussed periodically at management team meetings.

E. Steps Taken to Ensure that LSC has an Effective System for Responding to Requests

As previously noted, the Corporation has increased the number of documents that are proactively disclosed by routinely posting them on its website, www.lsc.gov. By doing so, the Corporation makes those materials routinely available without request, and thus FOIA staff is better able to quickly and fully respond to those requests received for other materials. Moreover, changes were made to LSC's website to make it easier to locate information on FOIA and to facilitate the on-line submission of FOIA requests.

Back-up procedures have been instituted to ensure that all FOIA requests received by LSC are promptly and accurately identified as such, immediately reviewed for preliminary determinations (e.g., expedited handling, calculation of costs, determination as to which components of LSC might have responsive documents, clarifying questions to the requester, etc.) and placed in the queue for full processing (e.g., dissemination of search requests to the various departments of LSC that might have responsive documents, providing guidance to those asked to conduct searches, reviewing materials provided as being potentially responsive, and making determinations as to whether they are responsive and, if so, whether there is any reason why they should not be released).

LSC employs a Microsoft Access database to log, track, and process all FOIA requests, and uses electronic document management software (Worksite) to facilitate record retention, searches, and reproduction. All employees have access to and routinely use this software, and it has facilitated the production of responsive FOIA documentation.

The expertise and resources of LSC's Office of Information Technology ("OIT") support the FOIA function. OIT is often called upon for assistance, and LSC has made further progress in transitioning from physical records to electronic records. Doing so allows searches for responsive documentation to be conducted in an increasingly more effective and efficient manner. Also, LSC's FOIA staff will be working with OIT in 2013 to create an

online database that will enable members of the public to view and track the status of all outstanding FOIA requests in real time. LSC recently created and filled the position of Chief Information Officer (“CIO”), and the new CIO will help to develop additional ways to harness technology to improve the effectiveness and efficiency of LSC’s discharge of its FOIA responsibilities.

LSC does not have a formal Open Government Team, but the Acting FOIA Officer keeps LSC’s President, its General Counsel & Chief FOIA Officer, and the Chief of Staff and Special Assistant to the President fully apprised of FOIA activities on a weekly basis. The President and the Chief FOIA Officer also discuss compliance with both FOIA and the Government in the Sunshine Act (the other open government statute applicable to LSC), Pub. L. 94-409, 90 Stat. 1241 (1976), 5 U.S.C. § 552b, in the normal course of business. The President reviews and discusses with the Chief FOIA Officer LSC’s Annual and quarterly FOIA Reports and its Chief FOIA Officer Report.

Based on (1) this past year’s drastic reduction in response times for FOIA requests (averaging 8 working days for simple requests, 22 working days for complex requests, and 9 working days for expedited requests), (2) the fact that LSC eliminated its FOIA backlog in 2011 and has not had one since then, and (3) the rate of adherence to the 20-day timeframe for responding to FOIA requests, LSC is devoting adequate staffing to FOIA administration.

F. Steps Taken to Increase Proactive Disclosures

As previously noted, the Corporation has increased the number of documents that are proactively disclosed. In 2010, OCE and OPP reports dating back to January 2008 were posted on-line, and the process of routinely posting all reports as they are issued was commenced in 2010. It has now been fully integrated into LSC’s operations.

In January 2013, managers throughout the organization were asked to identify materials for which they have responsibility or of which they are aware that are not currently proactively disclosed but might be appropriate for proactive disclosure. The Chief FOIA Officer also announced plans to meet with all managers individually to go over the manuals used in their respective divisions to help identify any that are not currently available on line but should be.

G. Steps Taken to Better Utilize Technology

In addition to using the internet to make proactive disclosures, LSC has explored ways to utilize technology in responding to requests. For example, in addition to traditional mail and fax, a member of the public may submit a FOIA request via e-mail or by going to LSC’s on-line FOIA Reading Room and electronically submitting a FOIA request by completing and submitting a short online form. Also, as noted above, LSC’s FOIA staff has arranged to work with OIT in 2013 to create an online database that will enable members of the public to view and track the status of all outstanding FOIA requests online in real time. Ideally, the database will not only allow the public to see whether a request is open or closed but, for any still open, where in the process the request is at that point in time (document search,

document review, etc.) and provide an estimated completion date. The Chief FOIA Officer recently met with LSC's new CIO and invited him to help develop new ways in which technology can be harnessed to further improve FOIA administration and streamline the process for responding to FOIA requests.

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

Clear direction from LSC's President, proactive disclosures, increased use of the internet and technology, and staffing improvements all have helped to improve timeliness in responding to FOIA requests and have been important factors in avoiding a backlog in either perfected requests or administrative appeals.

Section VII.A of LSC's 2012 Annual FOIA Report provides statistics concerning LSC's average response times for processed requests. The multi-track system (simple, complex, and expedited processing) utilized by LSC is reflected in the table that appears in section VII.A of that report. That table shows that, on average, simple requests were processed in 8.11 working days. For complex requests, the average number of days for processing was 22, and for expedited requests, it was 9 working days.

There was no decrease in backlog of administrative appeals in Fiscal Year 2012 but that was because, as sections XII.D.(2) and XII.E.(2) of the 2012 Annual FOIA Report ("Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals") reflect, **LSC had no backlog of requests at the close of either Fiscal Year 2011 or Fiscal Year 2012.** The number of appeals at the close of Fiscal Year 2012 remained unchanged from the number of appeals at the close of Fiscal Year 2011 – i.e., zero.

Section VII.E. of the 2012 Annual FOIA Report, entitled "Pending Requests – Ten Oldest Pending Requests," and section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," for Fiscal Year 2011 and Fiscal Year 2012 reflect that **there were no pending requests or pending administrative appeals at the close of either year.**

I. Use of FOIA's Law Enforcement Exclusions

LSC did not invoke any statutory exclusions during Fiscal Year 2012.

J. Significant Achievements

Along with the continued avoidance of *any* backlog in either perfected requests or administrative appeals, this reporting period saw a dramatic reduction in request response times. As the following tables reflect, the average response time for simple requests was reduced by 214.89, and the average response time for complex requests was reduced by 234 days. For simple requests that were granted, the average response period was reduced by 157.44 days. For complex requests that were granted, the average response period was reduced by 218 days. The following tables explain this in greater detail and provide additional information regarding response times.

Response Time for All Processed Perfected Requests

Reporting Period	Simple	Complex	Expedited Processing
2011	223	256	31
2012	8.11	22	9
Difference	214.89	234	22

Response Time for Perfected Requests in Which Information Was Granted

Reporting Period	Simple	Complex	Expedited Processing
2011	166	240	31
2012	8.56	22	10
Difference	157.44	218	21

Response Time for Processed Requests – Simple

Reporting Period	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days
2011	10	3	4	1	1	1	0	1	1	2	6	3	12
2012	33	2	0	0	0	0	0	0	0	0	0	0	0
Difference	23	1	4	1	1	1	0	1	1	2	6	3	12

Response Time for Processed Requests – Complex

Reporting Period	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days
2011	3	3	1	1	0	1	0	0	0	0	3	2	6
2012	1	3	0	0	0	0	0	0	0	0	0	0	0
Difference	2	0	1	1	0	1	0	0	0	0	3	2	6

Response Time for Processed Requests – Expedited

Reporting Period	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days
2011	0	1	0	0	0	0	0	0	0	0	0	0	0
2012	3	0	0	0	0	0	0	0	0	0	0	0	0
Difference	3	1	0	0	0	0	0	0	0	0	0	0	0

Response Time for Administrative Appeals

Reporting Period	Average Number of Days
2011	16
2012	16
Difference	NO CHANGE

K. Further Information

Further information may be obtained by contacting any of the following:

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