



## UNITED STATES COMMISSION ON CIVIL RIGHTS

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1331 Pennsylvania Avenue, NW • Suite 1150 • Washington, DC 20425 [www.usccr.gov](http://www.usccr.gov)

### **Chief FOIA Officer Report 2017**

The U.S. Commission on Civil Rights (USCCR) received less than 50 FOIA requests in Fiscal Year 2017.

Name and Title of the *Acting* Chief FOIA Officer: Brian Walch, Director, Communications and Public Engagement. Mr. Walch attended the Department of Justice's "Introduction to FOIA" class, May 2017.

#### **Steps Taken to Apply the Presumption of Openness**

USCCR posts, inter alia, links to recent news, reports, correspondence, testimony, upcoming public meetings, and meeting transcripts on the agency's website, [www.usccr.gov](http://www.usccr.gov), which demonstrates openness. We regularly use Twitter (<https://twitter.com/USCCRgov>) and Facebook (<https://www.facebook.com/USCCRgov/>) to post a significant amount of information related to our activities. We live-stream (via YouTube) a significant number of our public meetings and briefings at: <https://www.youtube.com/user/USCCR/videos>. These videos remain available for public viewing online subsequent to the event. USCCR endeavors to make the largest amount of information publicly available, subject to budgetary caps.

USCCR was not able to issue any releases under the foreseeable harm standard during fiscal year 2017, because the only exemption used was Exemption 6 (personal privacy concerning a personnel matter), which does not lend itself to release under the standard.

#### **Steps Taken to Ensure that Agency Has an Effective System in Place for Responding to Requests**

USCCR is a small agency that received less than 50 FOIA requests in fiscal year 2017. The Office of General Counsel administers the agency's FOIA program. As reported in our fiscal year 2017 annual FOIA report:

- All but two simple requests were processed within 20 days; the two were not agency records and were referred to the Department of Justice.
- All but three complex requests were processed within 20 days; one received Exemption 6.
- There were no FOIA appeals.

Therefore, the agency has an effective system in place for responding to FOIA requests.

## **Steps Taken to Increase Proactive Disclosures**

Below are some examples of public items and events that USCCR proactively disclosed and made available to the public on the agency's website during fiscal year 2017. These items were also communicated via our social media (see above).

*FY 2017 Statutory Enforcement Report:*

“Targeted Fines and Fees against Communities of Color”

[http://www.usccr.gov/pubs/Statutory\\_Enforcement\\_Report2017.pdf](http://www.usccr.gov/pubs/Statutory_Enforcement_Report2017.pdf)

*Select State Advisory Committee Reports and Advisory Memoranda:*

- “Hate Crime and Civil Rights in Wisconsin”

<http://www.usccr.gov/pubs/08-17-Wisconsin-hate-crimes.pdf>

- “Voting Integrity in California”

<http://www.usccr.gov/pubs/07-24-Voting-Integrity-in-CA.pdf>

- “Human Trafficking and Civil Rights in Ohio”

<http://www.usccr.gov/pubs/06-15-Human-Trafficking-and-Civil-Rights-Ohio.pdf>

- “Municipal Fines and Fees in Nevada”

<http://www.usccr.gov/press/2017/06-13-Fines-Fees-Nevada-Memo.pdf>

- “Advisory Memorandum Recommending Legislation on Solitary Confinement in Connecticut”

<http://www.usccr.gov/corresp/05-02-17-Advisory-Memorandum.pdf>

- “Human Trafficking in Maine”

<http://www.usccr.gov/pubs/Human-Trafficking-in-Maine.pdf>

- “Voting Rights and the Kansas Secure and Fair Elections Act”

<http://www.usccr.gov/pubs/KS-Voting-Rights-Report.pdf>

- “Civil Rights and Civil Asset Forfeiture in Michigan”

<https://goo.gl/Dh2djQ>

*Performance and Accountability Report, Fiscal Year 2017:*

<http://www.usccr.gov/congress/FY2017-PAR.pdf>

### **Steps Taken to Greater Utilize Technology**

USCCR posts almost all records in “portable document format” (.pdf), which is a universal format so users can easily view, save, print, or forward the document. For all requesters who provide an email address, FOIA staff use email to communicate, demonstrating a spirit of cooperation. Also, for these requesters, all agency FOIA responses are sent via email, with responsive documents in pdf format. All records regarding these requests are saved electronically. This process takes full advantage of technology.

A large number of the FOIA requests received by the agency are from incarcerated individuals, who mail in their requests. These requestors do not provide email addresses; as such, all correspondence must be sent via the U.S. Postal Service, and all documents must be provided in paper format. Furthermore, a very small minority of non-incarcerated requesters mail in paper requests without an email address, so responses and documents must be provided in paper as well. However, USCCR scan all of these items and store the records electronically. This process utilizes technology to the maximum extent possible.

### **Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

As stated above, USCCR is a small agency that received less than 50 FOIA requests in fiscal year 2017. According to USCCR’s fiscal year 2017 annual FOIA report, all simple requests and all but three complex requests (see above) were processed within 20 days. Furthermore, there were no FOIA appeals and no backlogged FOIA requests. This reflects FOIA staff’s commitment to process each request as expediently and completely as possible. Therefore, USCCR has not taken steps to improve timeliness in responding to requests and reducing backlogs during this reporting period.

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The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. For information about the Commission, please visit <http://www.usccr.gov> and follow us on [Twitter](#) and [Facebook](#).