

June 8, 2006  
[Corrected 07/17/06]

Office of Government Ethics (OGE)  
Executive Order 13392 Improvement Review Plan/Report  
Freedom of Information Act & Privacy Act Requests/Appeals

**A. Overall nature of OGE's Freedom of Information Act (FOIA) operations:**

OGE is a small separate executive branch agency with one office location, its Washington, DC headquarters, which receives a limited number of FOIA and Privacy Act (PA) requests and administrative appeals each year. OGE's FOIA function is primarily handled by one attorney who works part of the time on FOIA matters, with the assistance of others in the General Counsel's Office and other OGE units. There is no contracting out of OGE's FOIA functions. Moreover, OGE does not have a FOIA/PA backlog and for fiscal year 2006 to date has responded to all requests within the statutorily prescribed 20 working days of receipt. OGE does not employ multi-track processing of its FOIA/PA requests. This Agency receives few requests for expedited processing (none so far this fiscal year); when such requests are received, OGE acts quickly on them (within the statutory 10 calendar day period) to determine whether or not to grant expedited processing. With such a small overall operation, OGE considered all areas of its FOIA activities for review for possible improvements.

**B. Areas selected for review:**

As noted above, OGE reviewed all pertinent areas of its relatively small FOIA/PA program for any possible improvements.

**C. Summary of results of review:**

OGE's review of its FOIA operations revealed a program that is basically sound, with all requests for the current fiscal year so far having been answered within the statutory time frame and no FOIA backlog at present. Given the limited number of FOIA/PA requests OGE receives each fiscal year (an average of some 40-60), its part-time staffing of the FOIA function is deemed appropriate. OGE nonetheless identified a number of areas for modest improvement, both procedural and substantive, as enumerated below. In the years ahead, OGE will strive to maintain the overall integrity of its FOIA operations, with enhanced efficiency that the improvements anticipated will bring.

**D.-F. Areas chosen as improvement areas for OGE plan:**

**Areas anticipated to be completed by December 31, 2006:**

**First Area:** 1. Name: E.O. 13392 Designations; 2. Goals/Objectives: Designation of OGE Chief FOIA Officer, FOIA Requester Service Center Telephone Number and Public Liaison as soon as possible; 3. Steps: Make designations, E-mail notification to the Department of Justice and Office of Management and Budget, post to OGE Website; 4. Time Milestones: Complete by mid-January 2006; 5. Success Measurement: Completed all goals on time.

**Second Area:** 1. Name: Formal Separation of Functions; 2. Goals/Objectives: Formalize separation of FOIA/PA request and administrative appeal functions; 3. Steps: Institute internal procedure for full separation of processing of requests and administrative appeals; 4. Time Milestones: Complete by the end of February 2006; 5. Success Measurement: Completed on time.

**Third Area:** 1. Name: Politeness and Courtesy to All Requesters; 2. Goals/Objectives: Maintain high level of politeness and courtesy due to FOIA/PA requesters as persons who seek Government services from OGE in the record request and retrieval field; 3. Steps: Ensure politeness and courtesy in all dealings with requesters from initial contact to completion of the OGE FOIA/PA response; 4. Time Milestones: Continue high level of politeness and courtesy throughout the remainder of 2006, with ongoing monitoring to ensure low rate of any complaints; 5. Success Measurement: High level of requester satisfaction with request processing, with no more than five complaints during the year about treatment received by OGE's FOIA Requester Service Center and Public Liaison (no such complaints received to date in FY 2006), also with OGE promptly resolving any complaints to the satisfaction of the requesters to the extent possible.

**Fourth Area:** 1. Name: Timeliness of Responses; 2. Goals/Objectives: Maintain at least 85% timely OGE FOIA/PA request response rate; 3. Steps: Devote sufficient staff and resources to ensure that an 85%+ timely response rate is maintained; 4. Time Milestones: Already achieved (100% timely response rate so far in FY 2006), continue to monitor on an ongoing basis for the remainder of year to ensure that at least an 85%+ timely rate is being maintained; 5. Success Measurement: Timely response rate remains at least 85% throughout calendar year 2006.

**Fifth Area:** 1. Name: Backlog Avoidance (Prompt Resolution); 2. Goals/Objectives: Continue to avoid any backlog of FOIA/PA

requests submitted to OGE (or the prompt resolution of any that do develop from time-to-time); 3. Steps: Devote sufficient staff and resources to assure that no FOIA backlog develops (or any that does is promptly resolved); 4. Time Milestones: Already achieved (no backlog to date in FY 2006), continue to monitor on ongoing basis for remainder of year to ensure that no backlog develops (or prompt resolution thereof); 5. Success Measurement: No backlog develops (or prompt resolution) for the rest of 2006.

**Sixth Area:** 1. Name: Authority Delegation Update; 2. Goals/Objectives: Update OGE FOIA/PA authority delegation document; 3. Steps: Commence project as soon as possible; 4. Time Milestones: Complete authority update by September 30, 2006; 5. Success Measurement: Completion of update on time.

**Areas anticipated to be completed by December 31, 2007:**

**First Area:** 1. Name: FOIA Website Review; 2. Goals/Objectives: Review to determine if any update or improvement is needed in presentation of information on OGE's FOIA Website section; 3. Steps: Design update/improvement of the FOIA Website materials and presentation, post to the OGE Website; 4. Time Milestones: Complete review to determine if any areas need updating/improvement by end of March 2007, if so, prepare updated/improved materials/presentation by the end of June 2007, then post to OGE's FOIA Website by the end of September 2007; 5. Success Measurement: Completion of all goals on time.

**Second Area:** 1. Name: FOIA Regulation Update; 2. Goals/Objectives: Update OGE's FOIA regulation at 5 C.F.R. part 2604 to incorporate the designation of the OGE Chief FOIA Officer, FOIA Requester Service Center Telephone Number and Public Liaison, as well as other needed updates such as general office contact telephone numbers, FAX numbers, etc.; 3. Steps: Review regulation for all possible update/improvement areas, obtain appropriate clearances, publish in the Federal Register; 4. Time Milestones: Complete regulation review by end of March 2007, obtain clearances by the end of June 2007, publish in Federal Register by the end of September 2007; 5. Success Measurement: Completion of all goals on time.

**Third Area:** 1. Name: Politeness and Courtesy to All Requesters; 2. Goals/Objectives: Maintain high level of politeness and courtesy due to FOIA/PA requesters as persons who seek Government services from OGE in the record request and retrieval field; 3. Steps: Ensure politeness and courtesy in all dealings with requesters from initial contact to completion of the OGE FOIA/PA response; 4. Time Milestones: Continue high level of politeness and courtesy throughout calendar year 2007,

with ongoing monitoring to ensure low rate of any complaints;  
5. Success Measurement: High level of requester satisfaction with request processing, with no more than five complaints during 2007 about treatment received by OGE's FOIA Requester Service Center and Public Liaison, also with OGE promptly resolving any complaints to the satisfaction of the requesters to the extent possible.

**Fourth Area:** 1. Name: Timeliness of Responses; 2. Goals/Objectives: Maintain at least a 90% timely OGE FOIA/PA request response rate; 3. Steps: Devote sufficient staff and resources to ensure that a 90%+ timely response rate is being maintained; 4. Time Milestones: Monitor on an ongoing basis to ensure that the 90%+ timely rate is being maintained; 5. Success Measurement: Timely response rate remains at least 90% for calendar year 2007.

**Fifth Area:** 1. Name: Backlog Avoidance (Prompt Resolution); 2. Goals/Objectives: Continue to avoid any backlog of FOIA/PA requests submitted to OGE (or the prompt resolution of any that do develop from time-to-time); 3. Steps: Devote sufficient staff and resources to assure that no FOIA backlog develops (or any that does is promptly resolved); 4. Time Milestones: Continue ongoing monitoring to assure that no backlog develops (or prompt resolution thereof); 5. Success Measurement: No backlog develops (or prompt resolution) during calendar year 2007.

**Sixth Area:** 1. Name: FOIA/PA Training; 2. Goals/Objectives: Institute annual general FOIA/PA orientation training for all OGE program staff, stressing need for cooperation of program staff in FOIA searches and responses; 3. Steps: Design orientation training for general OGE staff, implement annual training for whole agency; 4. Time Milestones: Complete training outline by end of March 2007, check quarterly to ensure that orientation for all staff will be provided by the end of 2007; 5. Success Measurement: Completion of training review/update by March 2007 and provision of orientation training to all OGE staff by the end of calendar year 2007.

**Areas anticipated to be completed after December 31, 2007:**

**First Area:** 1. Name: Online Request Form/Submission; 2. Goals/Objectives: Making online FOIA/PA request form available and considering possibility of online submission of requests (OGE already allows E-mail requests); 3. Steps: Prepare online form, post to OGE Website, consider allowing online submission; 4. Time Milestones: Online request form completed and posted by the end of March 2008, decision on possible online submission by the end of June 2008, if so, implement by end of

September 2008; 5. Success Measurement: Completion of goals on time.

**Second Area:** 1. Name: Review Proactive/Affirmative Disclosures for OGE's Website; 2. Goals/Objectives: Review to determine if any additional records should be disclosed/linked on the OGE Website; 3. Steps: Complete consideration/review, make decision, and upload/link any additional documents deemed suitable for posting (also continue to monitor in the future to ensure that any additional records subject to required affirmative disclosure under FOIA subsection (a)(2) are posted); 4. Time Milestones: Complete review and decide if any additional documents should be proactively disclosed by end of June 2008, if so, prepare additional documents for uploading/linking and post to OGE's Website by the end of September 2008, with ongoing monitoring/posting for any additional subsection (a)(2) documents; 5. Success Measurement: Completion of all goals on time.

**Third Area:** 1. Name: Politeness and Courtesy to All Requesters; 2. Goals/Objectives: Maintain high level of politeness and courtesy due to FOIA/PA requesters as persons who seek Government services from OGE in the record request and retrieval field; 3. Steps: Ensure politeness and courtesy in all dealings with requesters from initial contact to completion of the OGE FOIA/PA response; 4. Time Milestones: Continue high level of politeness and courtesy during 2008 and future years, with ongoing monitoring to ensure low rate of any complaints; 5. Success Measurement: High level of requester satisfaction with request processing, with no more than five complaints during each year about treatment received by OGE's FOIA Requester Service Center and Public Liaison, also with OGE promptly resolving any complaints to the satisfaction of the requesters to the extent possible.

**Fourth Area:** 1. Name: Timeliness of Responses; 2. Goals/Objectives: Maintain at least 90% timely OGE FOIA/PA request response rate; 3. Steps: Devote sufficient staff and resources to assure that a 90%+ timely response rate is maintained; 4. Time Milestones: Monitor on an ongoing basis to ensure that the 90%+ timely rate is being maintained; 5. Success Measurement: Timely response rate remains at least 90% for calendar year 2008 and future years.

**Fifth Area:** 1. Name: Backlog Avoidance (Prompt Resolution); 2. Goals/Objectives: Continue to avoid any backlog of FOIA/PA requests submitted to OGE (or the prompt resolution of any that do develop from time-to-time); 3. Steps: Devote sufficient staff and resources to assure that no FOIA backlog develops (or any that does is promptly resolved); 4. Time Milestones: Ongoing

monitoring to assure that no backlog develops (or prompt resolution thereof); 5. Success Measurement: No backlog develops (or prompt resolution) during calendar year 2008 or future years.

**Sixth Area:** 1. Name: FOIA/PA Training; 2. Goals/Objectives: Continue/update annual general FOIA/PA orientation training for all OGE program staff, stressing need for cooperation of program staff in FOIA searches and responses; 3. Steps: Review/update orientation training for general OGE staff, implement the annual training each year for whole agency; 4. Time Milestones: Complete review and any update of orientation training outline by the end of March of calendar year 2008 and future years, check quarterly to ensure that orientation for all staff will be provided the end of each year; 5. Success Measurement: Completion of training review/update by March of each year and provision of updated orientation training to all OGE staff by the end of calendar year 2008 and future years.