

Chief FOIA Officer Report

FY09

Central Intelligence Agency

March 15, 2010

I. Steps Taken to Apply the Presumption of Openness

- 1. Describe below the steps your agency has taken to ensure that the presumption [of openness] is being applied to all decisions involving the FOIA. This section should include a discussion of the range of steps taken by your agency to apply this presumption. From publicizing the President's FOIA Memorandum and Attorney General's FOIA Guidelines and providing training on them, to implementing the presumption in response to FOIA requests and administrative appeals, with examples or statistics illustrating your agency's action in making discretionary releases of records or partial releases when full disclosure is not possible.**

Both the President's FOIA Memorandum and the Attorney General's FOIA Guidelines were widely circulated and discussed with all individuals involved in the FOIA process. The Central Intelligence Agency (CIA) has worked diligently to release information to the public that no longer requires protecting, including discretionary releases not mandated under FOIA.

Under the CIA's Historical Review Program, several discretionary collections on historically significant topics were released to the public in FY09. These collections included (date of release in parentheses):

- Office of Scientific Intelligence (10/08)
- Polish Martial Law (12/08)
- Vietnam Histories (3/09)
- Air America: Upholding the Airmen's Bond (4/09)
- Founding Documents of the Intelligence Community (5/09)

These discretionary releases provided official acknowledgement of previously undisclosed information. For example, in the case of the Polish Martial Law documents, the documents provided insight into the contributions of Colonel Ryszard Kuklinski to U.S. policymakers' understanding of the events leading up to the imposition of martial law in Poland. In the case of the Air America documents, the CIA acknowledged for the first time the role that Air America pilots played in the search and rescue of airmen during the Vietnam conflict.

The CIA also partnered with Culver Academy, a private school in Indiana during a year long effort to place declassified documents into the classroom for hands-on study in the classroom. The CIA released the Founding

Documents of the Intelligence Community, 833 documents primarily from the late 1940's through the 1950's. The documents provide specific procedural and implementing guidance for the establishment of the CIA and more broadly, the Intelligence Community. Historians from the CIA's Center for the Study of Intelligence, the National Security Agency, and Villanova University conducted in-class learning experiences with the students showing them how to use the primary sources and also providing the background framework and events that shaped the documents. The Capstone of the project was a symposium entitled *Creating Global Intelligence: the Creation of the US Intelligence Community and the Lessons for the 21st Century*.

- 2. Report whether your Agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in previous year's Annual FOIA Report.**

In FY09, the CIA released 363 records in full and 918 records in part as compared to FY08 when 237 records were released in full and 532 records were released in part. The data show that more documents were released in full or in part in FY09 in comparison to 2008.

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

- 1. Describe here the steps your agency has taken to ensure that the system for responding to requests is effective and efficient.**
- 2. This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professional in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.**

1. In FY08 we replaced an outdated case management system with a new--more efficient--system compatible with modern technology platforms. We continue to assess and modify the current system in order to make it as efficient and effective as possible. We also automated capturing, forwarding, and tracking requestor phone calls to our public FOIA phone number in order to respond to these requests effectively and efficiently.

2. The FOIA program office involves IT support in every aspect of the FOIA/PA process and has partnered with it to further advance the common goal to use technology to improve responsiveness. IT support personnel are located within close proximity of the FOIA program office, fostering greater interaction and support, and are proactive in their trouble-shooting efforts and looking ahead for system enhancements.

III. Steps Taken to Increase Proactive Disclosures

1. **Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since the issuance of the new FOIA guidelines.**

In addition to posting documents from closed FOIA cases each month, the electronic FOIA Reading Room website also hosts documents released through the discretionary Historical Review Program (see Section I above for details). Web site statistics show that many visitors to the CIA FOIA Reading Room website are most interested in these historically significant document releases. New additions since the memo and guidelines include a downloadable version of the previously released Family Jewels collection and Warsaw Pact documents.

IV. Steps Taken to Greater Utilize Technology

1. **Does your agency currently receive requests electronically?** No.
2. **If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?**
CIA is evaluating the security, counterintelligence, and resource issues associated with the implementation of electronic FOIA submissions. Currently, resources are devoted to automating the processing, tracking, and required reporting of FOIA requests. Emphasis on back-end processing has contributed to improved response time to requesters as noted in our FY09 FOIA Annual Report.
3. **Does your agency track requests electronically?** Yes.
4. **If not, what are the current impediments to your agency utilizing a system to track requests electronically?** Not applicable.
5. **Does your agency use technology to process requests?** Yes.
6. **If not, what are the current impediments to your agency utilizing technology to process requests?** Not applicable.
7. **Does your agency utilize technology to prepare your agency Annual FOIA Report?** Yes.
8. **If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?** Not applicable.

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

1. **If you have a backlog, report whether your backlog is decreasing. That reduction should be measured both in terms of numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and in terms of the age of those requests and appeals.**

Note: Privacy Act Cases were not included in CIA's FY08 data but were included and reported in FY09. As reported in the FOIA Annual Reports,

CIA's backlog is decreasing -- from 940 cases in FY08 to 592 in FY09. The median number of days to process simple and complex cases decreased (detailed below in Section 3), and we closed the four oldest pending FOIA cases and the three oldest appeals cases. At the end of FY09, the oldest FOIA/PA and administrative appeals cases were dated 10/7/1998 and 4/26/1995 compared to FY08's oldest FOIA and administrative appeals cases of 5/1/1992* and 3/1/1993, respectively.

2. **If there has not been a reduction in the backlog, describe why that has occurred and what steps your agency is taking to bring about a reduction.** Not applicable.
3. **Describe the steps that your agency is taking to improve the timeliness in responding to requests and to administrative appeals.**

Throughout the fiscal year, CIA placed concerted efforts into streamlining processes to improve timeliness. In FY09, the median number of days to process simple and complex cases decreased from 28 to 15 and 68 to 51 days respectively. For administrative appeals, the median number of days decreased from 161 to 112 days. CIA also implemented several refinements to its automated case management system to better address workflow and other system issues as well as to add key data collection capabilities relative to statistical reporting for the FOIA Annual Report.

*FY08's Annual FOIA Report should have recorded this date as 7/7/1989.