

Section I: Steps Taken to Apply the Presumption of Openness

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period? **Yes.**
2. If so, please provide the number of conferences or training held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.

HUD professionals attended no other training outside of the hosted agency training.

FOIA training was conducted as follows:

- **March 19, 2013 - A general overview of the FOIA and processing requirements for field personnel on March 19, 2013.**
 - **April 11, 2013 - Explanation of program office responsibilities, which included FOIA procedures, documenting search efforts, and creating fee estimates.**
 - **Three FOIA workshops on June 20 and 27, 2013, viewed and attended by more than 100 agency personnel department-wide. The workshops covered FOIA procedures that encompassed proposed updates to the regulations as well as process modifications.**
3. Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice?

The Department of Justice training was conducted by DOJ personnel and was the same training that would have been presented had HUD personnel attended at DOJ. We requested that it be presented at HUD because we did not have the travel funds that would have been required to bring people from our regional offices.

The Department of Justice conducted FOIA training on December 5, 2013, for both Headquarters and field FOIA liaisons, coordinators, and subject matter experts, at HUD. Topics covered were FOIA in the 21st Century; FOIA Overview of Procedures in Processing Requests; and FOIA Exemptions.

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period. **100 percent.**
5. OIP has issued guidance that every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year. Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.

FOIA management has made it mandatory for its FOIA professionals to register for the upcoming DOJ training classes to include:

Freedom of Information Act for Attorneys and Access Professionals, May 13-14, 2014.

Freedom of Information Act Administrative Forum, June 11, 2014

Advanced Freedom of Information Act Seminar, March 26, 2014

These classes will ensure that our FOIA staff is up to date and abreast with sufficient knowledge to process FOIA's in an accurate and efficient manner.

Departmental staff participates regularly in training offered by the Department of Justice, such as FOIA training for attorneys and access professionals, advanced FOIA seminars, and FOIA administrative forums, as well as face-to-face and computer/web-based training conducted by Headquarters, Regional, and Field office staffs.

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA? If so, please briefly discuss that engagement.

HUD's FOIA professionals did not conduct any outreach during this reporting period.

During some Congressional briefings, FOIA liaisons are introduced as contact persons for FOIA requests. Such face-to-face interface occurs at least once per year. A semiannual report to Congress is provided to the public via HUD's website, and audits are posted on the public website as well.

7. Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.

HUD currently reviews its records for discretionary release and is putting systems in place to ensure consistency department-wide.

8. During the reporting period did your agency make any discretionary releases of otherwise exempt information? **Yes.**
9. What exemptions would have covered the information that was released as a matter of discretion? **Exemption 5.**
10. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

HUD is considering releasing some deliberative communications between staff and supervisors as opposed to withholding pursuant to FOIA Exemption 5 which is done as a matter of practice. Instead of blanket applications of Exemption 5, a determination of any “foreseeable harm” is now being made. Both Headquarters and field offices made discretionary releases of information contained in draft documents and continues to release handwritten notes and emails that would have customarily been withheld under Exemption 5.

11. If your agency was not able to make any discretionary releases of information, please explain why. **N/A**

Other Initiatives:

12. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.

There were technical difficulties in posting the 4th quarterly report for FY13 and the first quarterly report for FY14. Both of these reports should be posted no later than COB Thursday, March 7, 2014.

13. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.

To ensure openness and consistency, the Department’s FOIA regulations have been updated from those used in 2007. The revised regulations will provide a cornerstone for training liaisons across the Department.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

Describe here the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

During Sunshine Week 2012, OPM announced the creation of a new job series entitled the Government Information Series, to address the work performed by FOIA and Privacy Act professionals. Creation of this distinct job series was a key element in recognizing the professional nature of their work.

1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series? **No.**
2. If not, what proportion of personnel has been converted to the new job series? **None.**
3. If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

HUD has taken steps to convert its FOIA professionals to the new job series and hopes to have all appropriate staff converted in Fiscal Year 2014.

Processing Procedures:

4. For Fiscal Year 2013, did your agency maintain an average of 10 or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within 10 calendar days or less.

Yes, on average, HUD adjudicated requests for expedited processing in 7 days.

5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations. If so, please describe those steps.

The current process has proven to be effective thus far as HUD only averages six consultations per year. HUD responds directly to the agency that sends the request for consultation and where possible, requests requiring consultations are processed electronically, thereby reducing processing times for both agencies.

Requester Services:

6. Do you use email or other electronic means to communicate with requesters when feasible? **Yes.**
7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

HUD does not notify requesters of the mediation services offered by OGIS, however, HUD's appeal office provides a response to the requester on the determination of the requester's appeal to include denials.

HUD has worked closely with OGIS and the requester to resolve issues when they arose.

8. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc.

Management utilizes a number of custom and ad hoc reports to assess efficiencies and eliminate redundancies. Many of these reports are programmed to automatically generate in HUD's electronic FOIA management system. Senior management also meets with FOIA liaisons department-wide to discuss new ideas, ways to streamline processes, obtain feedback, provide assistance and training, and resolve any problems and/or concerns.

Section III: Steps Taken to Increase Proactive Disclosures

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2013 to March 2014). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures? **Yes.**
2. If so, describe the system that is in place.

During the review and concurrence process of FOIA requests, HUD's FOIA Branch oftentimes meet with Office of General Counsel to discuss FOIA requests that could possibly be identified as records for proactive disclosures. Once it has been determined that the records meet the criteria for proactive disclosures as identified in 5 USC 552(a)(2) of the FOIA, the FOIA Branch and the Office of General

Counsel discuss the information with the program office experts before posting the data on the website.

3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

The following information was posted this fiscal year:

- **The newest contact information for Indian Housing Block Grant recipients and Indian Community Development Block Grant recipients. This information may be found online at:**
http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/codetalk/onap/akonap
 - **Public Housing Monthly End of Participation (EOP) reports generated by 50058 data, which provides demographic and income information on families who ended participation in assisted housing. This material may be found online at:**
<http://hudsharepoint.hud.gov/sites/PIH2/DASFO/Atlanta/CorrespondenceLog/SitePages/Home.aspx>
 - **Fiscal Year 2013 Funding by Tribal Designated Housing Entities and Regions document, which shows the Indian Housing Block Grant allocations for each Tribe organized by the region of Alaska and allocations for the Tribes under a housing authority. This information may be accessed via the following website:**
<http://www.hud.gov/offices/pih/ih/codetalk/onap/akonap/common.cfm>
4. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of posted material, improving search capabilities on the site, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.? **Yes.**
 5. If so, provide examples of such improvements.

HUD quarterly analyzes the content of its webpages to determine if the information posted is current and of interest to the public and its partners. Nationally, HUD ensured that the multifamily database was changed so that reports pulled by the public are in MS Excel format instead of MS Access, essentially eliminating the need to request the information in the preferred format via FOIA. This is a significant improvement.

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized? **No.**

7. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are. **No.**
8. Describe any other steps taken to increase proactive disclosures at your agency.

The posted material is reviewed quarterly to ensure that the websites are functional and the materials are available for viewing.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the Internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. Over the past several years, agencies have reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2014, as we have done over the past years, the questions have been further refined and now also address different, more innovative aspects of technology use.

1. Can a FOIA requester track the status of his/her request electronically? **Yes.**
2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?

The tracking function that is provided to the public is done regularly on an online portal and the requester is provided a temporary request number, received date, estimated delivery date and the status of their request.

3. Describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system.

Because requests submitted through the Internet are delivered to the FOIA management system automatically, data entry time is greatly reduced. As a result, communication with the public is automated and expedited. The following statuses are available to requesters via the online portal: date received, assigned for processing, on hold—need information or clarification, in process, cost estimate sent, documents delivered, and closed.

4. In particular, does your agency's tracking system provide the requester with an estimated date of completion for his/her request? **Yes.**

5. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability? If not, please explain why. **N/A.**
6. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? **Yes.**
7. If so, describe the technological improvements being made.

Upgrades to HUD's electronic FOIA management system have aided in facilitating overall efficiency; for example, improved search capabilities, enhanced accuracy in the assessment of fees and calculation of processing days, and automatic population of the requester's email address.

8. Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?

HUD is not aware of any at this time.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2013 Annual FOIA Report and, when applicable, your agency's 2012 Annual FOIA Report.*

1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.
 - a. Does your agency utilize a separate track for simple requests? **Yes.**
 - b. If so, for your agency overall, for Fiscal Year 2013, was the average number of days to process simple requests 20 working days or fewer?

Yes. The average number of days for processing simple requests was 17.21 days.

- c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests 20 working days or fewer? **N/A.**
2. Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C. (5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Years 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.
- a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012? **Yes.**
 - b. If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012? **Yes.**
 - c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012? **Yes.**
 - d. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2012 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed two of them, you should note that you closed two out of seven "oldest" requests. **N/A.**
 - e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012? **Yes.**
 - f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report. **N/A.**
 - g. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012? **Not Applicable.**
 - h. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2012 Annual FOIA Report. **N/A.**

Reasons for Any Backlogs:

3. If you answered “no” to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:
 - a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals? **N/A.**
 - b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff? **N/A.**
 - c. Was the lack of a reduction in the request and/or appeal backlog caused by an increase in the complexity of the requests received? **N/A.**
 - d. What other causes, if any, contributed to the lack of a decrease in the request and/or appeal backlog? **N/A.**
 - e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012. **N/A.**
 - f. If your agency was unable to close any of its ten oldest requests or appeals because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending. **N/A.**
4. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2014. **N/A.**
5. If your agency had a backlog of more than 1,000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency’s plan for achieving backlog reduction in the year ahead. **N/A.**

Interim Responses:

6. Does your agency have a system in place to provide interim responses to requesters when appropriate? **Yes.**

7. If your agency had a backlog in Fiscal Year 2013, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed. **10%**

The Department frequently provides interim responses; however, it does not currently have a system in place to track these types of responses.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2013? **No.**
2. If so, what was the total number of times exclusions were invoked? **N/A.**

Spotlight on Success

Out of all the activities undertaken by your agency since March 2013 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of a key achievement. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- In 2013 the HUD Headquarters FOIA Office established a goal of improving consistency of full disclosures between Headquarters and the regional offices. To accomplish this, the FOIA Headquarters staff developed a training workshop, in conjunction with the Office of General Counsel, and presented it to all of the regional offices via webcast. The HUD Headquarters FOIA Office also increased the frequency of teleconferences with the regional liaisons. As a result of these actions, the Department achieved several improvements. It gained greater consistency in the types of documents disclosed and the way the exemptions are applied between Headquarters and regional offices, reducing the full disclosure disparity between Headquarters and the regional offices from a spread of 36 percent in 2012 to 27 percent for the 10 regional offices in 2013. Also, in 2013, HUD improved its overall response time, answering simple requests within 17 days in 2013 vs. 20 days in 2012. As well, HUD's overall rate of appeals affirmation improved, going from 47 percent affirmed in 2012 to 64 percent

affirmed in 2013. Hence, in spite of having fewer employees (seven full-time in 2012 vs. six in 2013), the HUD FOIA Office gained incremental improvements and efficiencies. The Headquarters office management expects to continue this enhanced collaboration with the regional offices in 2014 to build upon these improvements.

- A request was received from a nationally syndicated news show, Dateline NBC, involving one of HUD's largest partners/housing providers, The New York City Housing Authority. In order to accommodate the requester and meet network timeframes, the information was provided electronically, cutting the response time in half and resulting in an expedited and efficient response.